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NEW ESSAYS ON
THE POLITICAL THOUGHT OF
THE HUGUENOTS OF THE *REFUGE*

EDITED BY

JOHN CHRISTIAN LAURSEN



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INTRODUCTION

John Christian Laursen, Riverside

Exodus, exile, diaspora, refugee. We know these words from the Bible, from events of the twentieth century, and from many instances in between. They are evocative of harrowing experiences. Whole peoples, defined by religion or race or tribe or language, are uprooted and pushed or dragged to unfamiliar lands, to start their lives again in places that are not their own. Blood and tears are ever their lot.

It does not excuse their persecutors, but sometimes the storm clouds of exodus, exile, and diaspora have a silver lining. These experiences can challenge people to acts of heroic endurance and achievement. Ideas, art, and culture indeed owe much to exiles, refugees, and peoples of diaspora. One cannot say that these peoples would not have produced anything worthwhile if they had been left in peace, but it may be some consolation that some individuals are apparently driven to new heights of intellectual resourcefulness and creativity when their peoples are driven out of their homelands.

The following essays address the political ideas of the early modern French Protestants who fled from France after the Revocation of the Edict of Nantes in 1685. Most of them eventually settled in the Netherlands and the Dutch colonies of Surinam and the Cape; in many German states, including especially Prussia; in England, Ireland, and the English colonies of North America; in Switzerland, Denmark, and Sweden; and in Russia. They called their exile "*the Refuge*", the French word for refuge or shelter.

In exile, the Huguenots of the *Refuge* forged and hammered out many of the precursors of the basic ideas of what we now know as liberalism. They wrote about tolerance and liberty of conscience, about democracy in politics and the church, and about the separation of church and state. They argued with each other over subversive ideas from the natural right to resist tyrants to the origin of religion in political manipulation, from the right to deceive others for their own good to the value of freedom of the press. All put together, their contribution to late seventeenth century and eighteenth century intellectual life was enormous.

Nevertheless, the political ideas of these refugees have not received the attention they deserve in the historiography of modern European ideas and in contemporary political theory. There are several reasons for this. Some

histories of ideas are organized in terms of the dominant trends in national cultures. Immigrant thinkers who continue to write in their native language will almost always be considered marginal to their new countries, even if their cumulative effect on the history of political ideas is as great or greater than that of the indigenous thinkers of any one of their new countries as a whole. Some histories are written in terms of the canonical "great figures" of the history of philosophy, theology, law, science, or historiography, for example. Relatively minor figures will be omitted, again even if their cumulative impact is as great or greater than any particular "great figure". Related to this point, many historians are concerned with single major innovations or with the presentation of grand systems of ideas, rather than with the transmission, piecemeal transformation, and criticism of ideas, which was apparently the forte of the Huguenots.

Finally, another reason for the relative neglect of the political ideas of the Huguenots of the *Refuge* may be the specialization of historians of ideas and political theorists according to contemporary categories, so that some are historians of literature, some of philosophy, some of political thought, and some are theorists of obligation, some of constitutionalism, and some of revolution, to take only a few categories. Historians of political thought and political theorists are tempted to concentrate on works of clearly definable political content, as exclusive of other materials as possible. They will steer away from writers who mixed theology, philosophy, science, law, economics, and philology with political thought. Yet this is just what the Huguenots did. And one will miss much of the content and dynamics of the history of political ideas and of political theory if one tries to understand them in isolation from the rest of their literary and cultural context.

The following essays in this volume contribute to the project of bringing back the Huguenots. Each, in its own way, offers a fresh perspective or drives down an unexplored path. The rest of this introduction will situate the following essays by sketching out the historical context and briefly reviewing the classics of the available literature. This is followed by an effort to characterize the contributions of the Huguenots to political thought under two large rubrics: the mediation of political ideas and the political theory of assimilation. By mediation is meant the transfer of ideas from one culture to another, often by means of translations, commentary, and the absorption of ideas from different cultures into new political theories. The theory of assimilation refers to the generally neglected area of the appropriate response of refugee intellectuals to the question of their future: should they remain apart from their host cultures, or should they plan to

assimilate into them? This last question has obvious relevance to many contemporary refugees.

1. *The Refuge as the second French Protestant diaspora*

The *Refuge* in the years after 1685 was not the first diaspora of French Protestants, and its characteristics have roots in the preceding century. Many had fled during the Wars of Religion of the second half of the sixteenth century. Some continued to do so in the period after the proclamation of the Edict of Nantes (1598), which was supposed to protect them, although in fact more and more pressure was applied against the Protestants. By the time of the exodus of refugees in and after 1685, the idea of French Protestants living in exile was by no means new. Some of them, such as Denis Veiras d'Allais, had written influential works which have not been sufficiently studied from the point of view of the history of political thought.¹ However, in this volume, "the *Refuge*" will denote the exodus and exile caused by the Revocation of the Edict of Nantes.

French Protestant political thought had a substantial history inside France by 1685. It featured the work of the so-called Monarchomachs, who called for the overthrow of tyrants. The most famous were the *Franco-Gallia* of François Hotman (1573), *Of the Right of Magistrates* of Theodore Beza (1574), and the *Vindication Against Tyrants* of Philippe Duplessis-Mornay (1579), all of which were apparently written in outraged response to the Massacre of St. Bartholomew's Day in 1572. For some decades in the latter half of the sixteenth century Huguenot writers alternately supported and opposed government interference with religion, depending on which side was winning. After the consolidation of power by the Protestant-turned-Catholic Henry IV and the Edict of Nantes, the Huguenots in France spent much of the following century distancing themselves from the Monarchomach theories, since now they were living under the ostensible protection of the king.

The Edict of Nantes itself was far from a declaration of positive toleration and individual liberty of conscience. Rather, it was a grudging recognition of the corporate rights of churches already in existence. Both sides, Catholics and Protestants alike, evidently thought of it as a temporary

¹ Veiras's *History of the Sevarambes*, first published in part in English in 1675, was one of four utopias mentioned by Kant in *The Contest of the Faculties* (1798) (see C. J. Betts, *Early Deism in France*, pp. 66-74).

expedient in an ongoing battle to bring all of France to recognize the true religion.

What history knows as the Revocation of the Edict of Nantes was not announced in those terms, but rather as the Edict of Fontainebleau, which declared that since Protestantism had effectively disappeared in France, the measures of the Edict of Nantes were no longer necessary. As a matter of fact, this was wrong both for the period before and for the period after 1685. Protestantism never disappeared. Pauline Haour's essay in this volume traces the ideas and career of a French Protestant pastor who did not leave until 1729, and Simone Zurbuchen's essay on Jaucourt points out that Jaucourt's Protestant family stayed on in Paris, where he lived and wrote over seventeen thousand articles for the *Encyclopedia* in the 1750's and 1760's, even though he received part of his education in Protestant Geneva (under an assumed name), England, and the Netherlands.

Myriam Yardeni has written that Protestant political thought during the periods of the Edict of Nantes and the *Refuge* "saw, in the main, only variations on the theses formulated during the Wars of Religion".² Granted that, to quote Yardeni from the same page again, the writers of the Wars "provided an almost inexhaustible arsenal of weapons that could easily be adapted to varied historical situations", the essays in this volume qualify the claim that later writers simply composed variations on the earlier themes. Many of the points made and rhetorical strategies used by the writers of the *Refuge* are simply unimaginable for the earlier period, and represent a qualitative change from the earlier theses.

2. *Classics of scholarship*

The best scholarly work on the Huguenots of the *Refuge* has aged well. Much good work has been done, as will appear from the footnote references throughout this volume. But anyone working in the field of Huguenot political thought will have to read the classic works by Guy Howard Dodge, Erich Haase, Elisabeth Labrousse, and Walter Rex.

Dodge's book, *The Political Theory of the Huguenots of the Dispersion: With Special Reference to the Thought and Influence of Pierre Jurieu*, came out in 1947. Haase's book, *Einführung in die Literatur des Refuge; Der Beitrag der französischen Protestanten zur Entwicklung analytischer Denkformen am Ende des 17. Jahrhunderts*, was published posthumously

² M. Yardeni, "French Calvinist Political Thought", p. 317.

in 1959. Labrousse's work has been appearing for many decades, but her *magnum opus* is *Pierre Bayle*, with volume one entitled *Du Pays de Foix à la Cité d'Erasmus* (1963) and volume two entitled *Hétérodoxie et rigorisme* (1964). Walter Rex's book is *Essays on Pierre Bayle and Religious Controversy* (1965).

Dodge's book focuses especially on the controversies that raged between Jurieu and Bayle and many others in the immediate aftermath of the Revocation of the Edict of Nantes, dealing with issues such as the Huguenot attitude toward the Glorious Revolution in England, Huguenot attacks on French absolutism, and questions of toleration. It is thorough and scholarly, and although it may be supplemented with yet more materials and further analysis, the essays in the following volume have not attempted to compete on Dodge's ground. Rather, for the most part they presuppose his work and refer to a later period when the lessons of his period had been absorbed and new issues had come up.

Haase's encyclopedic treatment of the literature of all sorts produced in the *Refuge* will always be an invaluable sourcebook. It may be that scholarly interest has now abandoned Haase's belief in the value of reducing a myriad of writings into what he calls "analytical thought forms". Much scholarly attention now focuses on more holistic "political languages" such as the language of natural law, as reflected in the first two and the last two essays in this collection. Nevertheless, Haase's many insights are easily separated from his "thought forms", and political theorists and historians of political thought will find many a lead for further investigation in his work. Again, however, he concentrates on the late seventeenth century and the essays in this volume push much further into the eighteenth century.

Labrousse's two-volume work on the giant of Huguenot letters, Pierre Bayle, revised the rather facile accepted picture of Bayle as precursor of Voltaire, showing that he was more backward-looking than forward-looking, a man of the seventeenth century more than of the eighteenth century. Her major work has been supplemented by many articles over the years, and special attention should be drawn to her long article in English on "The Political Ideas of the Huguenot Diaspora (Bayle and Jurieu)" (1982). Many of the essays in this volume draw on her work, implicitly or explicitly, for understanding Bayle and Jurieu as baselines for the development of later Huguenot political thought.

Rex's treatment of Bayle's article on David is a masterpiece of its kind. The unsuspecting reader of Bayle's *Historical and Critical Dictionnaire* would notice that Bayle spends a lot of time explicating the morally questionable side of the Biblical hero, but might assume that this was

merely a matter of setting the historical record straight, with no particular political implications. Rex demonstrates that in fact Bayle's article was a centerpiece of his polemic against Jurieu and those Huguenots who wanted to return to France by force. William of Orange, King of England after 1689 and the man they wanted to lead their crusade, was widely known as the "second David"! Contemporaries would have understood that Bayle's article was a thinly-veiled criticism of the Glorious Revolution and all Huguenot plans for an armed return.

3. *The Huguenots as mediators*

If it had been deliberately planned, history might have described the *Refuge* as a massive project of cultural imperialism. Literally thousands of men (and a few women) of letters fanned out over northern Europe and some of its colonies, bringing with them the French language and a high level of cultural sophistication. It is probably impossible to definitively distinguish the overall cultural influence of the Huguenots from the influence throughout Europe of Catholic France and the court of Louis XIV, but specific indicators of the Protestant influence do exist. For example, many of the earliest French-language periodicals were published outside of France by Huguenot exiles. For another example, the francophone Prussian Academy was heavily staffed by Huguenot exiles, sometimes of the third or fourth generation, until the end of the eighteenth century. The Huguenots contributed mightily to the spread of French as a *lingua franca* in the eighteenth century.

Even where they began to work in the language of their adopted countries, the Huguenots spread French culture, giving it their own Protestant twist. The sixteen Huguenots elected to the Royal Society in England between 1680 and 1720 participated in this process.³ The Huguenot who translated Rabelais into English in 1694 "captured" that writer for the Protestants, adding notes that interpreted him as an anti-Catholic.⁴

This somewhat anachronistic characterization of the *Refuge* as cultural imperialism should be balanced by another modern analogy. The intellectual influence of the Huguenots was by no means a one-way flow, bringing French to the rest of the world. Rather, from exile, the Huguenots mounted

³ G.C. Gibbs, "Huguenot Contributions to England's Intellectual Life", p. 27.

⁴ Gibbs, "Huguenot Contributions to England's Intellectual Life", p. 25.

one of the largest propaganda campaigns in early modern history, flooding France with literature of all sorts. Its political messages ranged from crude slander and even pornographic anti-absolutism to subtle and sophisticated philosophical arguments that would eventually undermine long-standing political assumptions.

Both of the foregoing analogies point to cultural mediation as one of the chief roles of the Huguenots. It is perhaps natural that an exiled group will mediate between the the country and culture of its origin and the country and culture of its exile. In this case, the exiled group included a disproportionate number of what were then called men of letters and what sociologists would now call intellectuals. The peculiar circumstances of the Netherlands, England, and some of the other places of their exile were such that there were not enough churches to employ all of the exiled pastors, and not enough nobility to employ all of the would-be men of letters as private secretaries or tutors. At least at first they were not fluent in the languages of their adopted lands. Many had no way to make a living except through their pens, writing in French. By coincidence, the Netherlands and England had the freest presses of the time, soon to be followed by Prussia, Switzerland, and other places (always requiring a certain discretion, of course) which recognized the economic and propagandistic benefits of the book and pamphlet business. So the Huguenots of the *Refuge* made the most of the opportunity to sell journals and books and anything else that they could print.

The catalogue of publications of the Huguenots of the *Refuge* after 1685 is enormous.⁵ Suffice it here to only sketch some of the range.

Pierre Bayle practically invented modern literary or erudite journalism. This is a slight exaggeration, because there were a few periodical literary journals published before he began his *News of the Republic of Letters* in 1684. But it is not an exaggeration to say that he and his Huguenot contemporaries were among the first to reach wider literate audiences with numerous literary periodicals in a vernacular language.⁶ In addition to the literary journals, Huguenot gazetteers spread their nets wider to include news from around Europe such as battles won and lost, dynastic affairs, and other political news. Together, the Huguenots of the *Refuge* were responsible for numerous journals and gazettes appearing over the next

⁵ I know of no single bibliography covering the writings of the Huguenots in all countries and over a long period of time. It would be very useful to have one.

⁶ See H. Bost, *Un 'intellectuel' avant la lettre: le journaliste Pierre Bayle*.

several decades,⁷ many of which are mentioned in the following essays.

The title of Bayle's first journal is significant, because the phrase "The Republic of Letters" had come to symbolize the transnational, cosmopolitan world of men⁸ of letters into which, willy nilly, the refugees had been thrown. They would have to sink or swim now by selling their writings to a wider readership spread throughout Europe. One of their chief services was to bring the literature of their adopted nations to the attention of francophone readers. Bertram Schwarzbach's essay in this volume draws attention to Isaac de Beausobre's *Bibliothèque germanique* [*German Library* or *German Book Review* will have to do as translations], which reviewed many German and Latin works. Then there was a *Bibliothèque anglaise* [*English Library*], a *Bibliothèque britannique* [*British Library*], a *Bibliothèque italique* [*Italian Library*], a *Journal helvétique* [*Swiss Journal*], the more general *Histoire des ouvrages des savans* [*History of the Works of the Learned*], and many more.

These literary journals concentrated on meeting the needs of men of letters. They contained extracts or summaries of recent works published in a variety of different places and different languages. Sometimes they contained critical comments, essays, and debates. Sometimes they reported snippets of literary news reported by correspondents in different cities. It is safe to say that many a French work became known to wide circles outside France, and many a work written in English, Latin, German, or Dutch became known inside France, through these journals.

We have started with journals as one of the more versatile mediums of diffusion of political ideas. But Huguenots were also involved in a much wider variety of means of cultural transmission. Abel Boyer, who settled in London, is a telling example. He published one of the most popular French-English dictionaries (1699, many reprintings). He also published several collections of English translations of selections from the writings of people like St. Evremond, La Bruyère, La Rochefoucauld, and Pierre Nicole. One of his chief services to political thought was to prepare the way for Shaftesbury and Mandeville by importing the French language of

⁷ Invaluable sources are the *Dictionnaire des journalistes* and the *Dictionnaire des journaux*, both ed. J. Sgard. See also the list of gazettes, and where to find them in European and American libraries, in P. Rétat, "Localisation des gazettes", pp. 327-346.

⁸ Huguenot literary circles apparently contained noticeably fewer women than the salon world described in D. Goodman, *The Republic of Letters*, perhaps because of their Calvinism.

politeness and domesticating it for English use.⁹ Like other Huguenots, he also probed the limits of freedom of the press: at a time when speeches in Parliament were not public matters, and in fact their publication was a violation of parliamentary privilege, his *Political State of Great Britain* (1711-1729) published them.¹⁰

Huguenot historians influenced European perceptions of history, even down to the present. Paul Rapin de Thoyras's *Dissertation concerning the Whigs and Tories* (1717) defined those parties for England and the rest of Europe. He wrote a widely popular *History of England* (1723), published in both English and French, which provided the first Whig interpretation of the whole of English history, justifying the Glorious Revolution.¹¹ Jacques Basnage has been called the "first modern historian of the Jews".¹² In a career that spanned the years from 1714 to the 1750's, Jean Rousset de Missy edited several journals and wrote histories that justified his inclusion in Friedrich Meinecke's *The Idea of Reason of State*.¹³

Working every level of literate culture, the Huguenots were also involved in the transmission of sophisticated philosophy. J.T. Desaguliers translated 's Gravesande and lectured and published on Newton, assisted by Abraham de Moivre;¹⁴ Pierre Coste translated Newton's *Optics* into French (1720). Francophone Protestants were also responsible for the transmission to the continent of Europe of some of the writings of the English philosopher, John Locke. In fact, Locke's *Essay Concerning Human Understanding* appeared in French more than a year before it came out in English, in the form of a long summary-review in Jean Le Clerc's *Bibliothèque universelle* [*Universal Library*] (1688). Pierre Coste translated Locke's *Oeuvres diverses* [*Diverse Works*] for publication in Rotterdam in

⁹ L. Klein, "The Third Earl of Shaftesbury and the Progress of Politeness" and "Liberty, Manners, and Politeness".

¹⁰ See G.C. Gibbs, "Abel Boyer Gallo-Anglus Glossographus et Historicus" and "The Contribution of Abel Boyer to Contemporary History in England".

¹¹ H. Trevor-Roper, "Our First Whig Historian: Paul Rapin de Thoyras", in *From Counter-Reformation to Glorious Revolution*. Rapin de Thoyras's major work was published by Charles Levier, who appears in the editor's essay below.

¹² G. Cerny, *Theology, Politics and Letters at the Crossroads of European Civilization*, pp. 181ff.

¹³ F. Meinecke, *Die Idee der Staatsräson*, book 2, chap. 4 [translated as *Machiavellism* (1962)]. See, correcting errors in Meinecke, M.C. Couperus, "Rousset de Missy".

¹⁴ G.C. Gibbs, "Huguenot Contributions to England's Intellectual Life", pp. 29-30.

1710, and Huguenots continued to publish Locke much later in the century.

Of more direct relevance to political thought, David Mazel, a Huguenot pastor in London, translated Locke's *Second Treatise* (1691), giving the translation a more radical slant than the original.¹⁵ Jean Rousset de Missy reprinted this translation in 1755 with a preface and notes giving it his own angle, an edition which was reprinted in 1780, 1783, and 1795.¹⁶ But the Huguenots did not limit themselves to translating and publishing Locke. As several of the essays below show, Barbeyrac's use of Locke in his footnotes to Pufendorf provided one of the main early means of diffusion of Locke's ideas, and Jaucourt's use of Locke in his articles for the *Encyclopédie* consolidated the absorption of Locke into continental thought. In characterizing political thought in Europe, a slogan like "No Huguenots, no Locke" might not be too far from the truth.

Huguenots were also responsible for the transmission of the work of the great Protestant natural lawyers into French. As some of the following essays report, Jean Barbeyrac almost single-handedly introduced Grotius and Pufendorf to francophone readers through his translations of their massive and influential works. Jean Deschamps translated Wolff into French, and J.H.S. Formey, who will reappear in some of the essays below, tried to make him fashionable in francophone women's circles throughout Europe with *La belle Wolffienne* [*The Pretty Wolffian*] (1741).

Of course, not everything that the Huguenots thought or wrote made it into print. The late seventeenth and the eighteenth centuries knew a substantial clandestine manuscript literature. Margaret Jacob has traced the origins of freemasonry to Huguenot circles in the Netherlands that were also involved in the first printing of one of these manuscripts as *The Life and Spirit of Spinoza* of 1719.¹⁷ The essay by the editor, below, explores that publication and another publication that evidently drew on an unpublished manuscript, as tests of early modern freedom of the press. A

¹⁵ See S. Mastellone, "Sur l'origine du langage constitutionnel". There was a new edition of the translation in Geneva in 1724 and another in Brussels (attributing the book to Locke for the first time) in 1749. Mazel also translated William Sherlock's *De La Mort* (Amsterdam, 1696), John Tillotson's *La nécessité de la fréquente communion* (Amsterdam, 1696), and other works.

¹⁶ See M. Jacob, "In the Aftermath of Revolution".

¹⁷ M. Jacob, *The Radical Enlightenment*. This provocative book should be read in conjunction with a review by G.C. Gibbs, *British Journal for the History of Science*, vol. 17, 1984, pp. 67-81, and the exchange with C. Berkvens-Stevelinck in *Quaerendo*, vol. 13, 1983, pp. 50-71 and vol. 14, 1984, pp. 63-76.

scandal provoked by the issues raised in one of them was mentioned in the first substantial defense of freedom of the press in French, also the work of a Huguenot of the *Refuge*, Elie Luzac. It is certainly not surprising to find a Huguenot at the origins of expression of that liberal principle, since so many Huguenots lived by their pens.

Yet another ubiquitous form of expression of political ideas in the eighteenth century was the hand-written letter. The essay below by Pauline Haour explores the massive correspondence of Antoine Court, organizer and defender of the Protestant churches in France after the Revocation. Further study of this and other correspondences would help us understand the development and transmission of political ideas and the complex relations between actual political practice and published expressions of political ideas.

4. *The political theory of assimilation*

Too little attention has been paid to what happens to the political thought of refugees and exiles decades after their flight. Right after the revocation of the Edict of Nantes, Bayle and Jurieu established paradigms for Huguenot responses to their exile. Jurieu set out to undermine absolutism and justify armed rebellion and conquest, and would have nothing of suggestions that the Huguenots ought to assimilate into their host countries. Bayle opted for passive resignation, turning his energies instead to erudition and criticism.

In the long run, most of the Huguenots of the *Refuge* imitated Bayle. It soon became evident that the Huguenots by themselves would never have the military or political power to return to France by force, and that other nations were not willing to expend much diplomatic or military effort to help them. Meanwhile, as the years passed, they got used to living, and making a living, in other countries. Eventually their children or grand-children adopted the language and married into the native population, and their assimilation became complete.

For most Huguenots, the process of pulling up their roots and remaking their identities was doubtless a traumatic experience. In addition to emotional tugs and gut feelings, the intellectuals among them also had to deal with intellectual hurdles. It seems safe to say that most people do not give up their linguistic and cultural identity without facing dilemmas, and intellectuals in particular must also develop tools for dealing with the intellectual problems of assimilation. One such problem was that if

assimilation could be defended on the ground that one held one's religion closer to heart than one's language and one's native geography, it could also look like the strategy of cowardice. Political theory would have to explain how it could be done. In the case of the Huguenots, many strands of such an explanation pointed toward early modern liberalism.

T.J. Hochstrasser's essay shows how the Huguenots of the *Refuge* developed theories of conscience as a justification for what they were doing. Deprived of the support of national solidarity, the Huguenots pushed the claims of conscience toward the individualism that seems to be at the root of modern liberalism.

Daniel Brühlmeier's study traces the development of an identifiable strand of early modern liberal economic thought emerging from Barbeyrac and Protestant francophone natural law. Perhaps this was a natural and logical development for the Huguenots of the *Refuge*. Uprooted and required to sink or swim in the cosmopolitan international economy, they were well-positioned to understand it. Deprived of their geographic and some of their cultural roots, they may have concluded that the next best thing was to get rich. Their economic thought would provide the theoretical underpinning for the *ubi bene ibi patria* of modern liberalism.

In Bertram Schwarzbach's essay, we are introduced to Isaac de Beausobre's life-long project of what may be called de-hereticization. His Huguenot ancestors had been accused of heresy, and he was clearly fascinated by what that might mean. In many works he labored to show that all sorts of heretics from Manicheans to Hussites, from Adamites to Picards and Taborites, were not as bad as people had thought they were. This was at once a contribution to the theology of toleration and an *apologia* for his own people. Schwarzbach characterizes the political implications of Beausobre's work as "equipment for exile". Might one also see it as an implicit justification of the sort of pluralism and political toleration of differences that would allow his people to assimilate into the community of his Prussian hosts?

In Pauline Haour's essay, we observe the tensions between the Protestants who chose to stay and work for their religion inside France and those who gave them advice and financial support from the safety of exile. The ones who stayed developed a doctrine of "distant view" to describe what they took to be the misunderstandings of those who were rapidly assimilating into other cultures. It is not surprising that refugee intellectuals would not be the best spokespeople for the people they have left behind, partly because of distance and changed circumstances. The reluctance of those who stay behind to break with the exiles may be explained in part by

their dependence on them for help. Should they have been more suspicious of the exiles' motives and abilities? Or can a political theory of the value of cooperating with almost anyone be developed here, whether they be cowards or apostates or those who somehow have abandoned the cause?

My own essay on Huguenot understandings of political and religious impostorship and fraud points toward one answer to the foregoing question. Some Huguenots may have discovered that the principles of liberalism may make up an appropriate theory to adopt when it is finally recognized that few or no people live up to the virtues or *virtù* that other political theories demand.

Starting with Bayle and passing through most of the Huguenots we have mentioned, and characterizing Jaucourt as portrayed in Simone Zurbuchen's essay, although by no means ending with him, we might identify a pattern of assimilation which is peculiarly the mark of intellectuals. Rather than fight, most Huguenot intellectuals retreated into erudition, scholarship, and the cosmopolitan life of the mind. Some of them made up in intellectual boldness, creativity, and virtuosity for the physical and political pusillanimity that their flight betrayed. Perhaps this is what we might learn to expect from other groups of refugee intellectuals.

We have only begun to explore the extent of intellectual cross-fertilization between the Huguenots and the academic and learned cultures of their host countries. Fabrizio Lomonaco's essay in this volume juxtaposes some of the writings of Bayle and Le Clerc, from the francophone side, with the political ideas of Althusius and Huber, from the side of those who were writing in Latin in Protestant northern Europe. He shows that on the one hand the critical theories of the francophones may have helped stimulate the critical breakthroughs that Huber used to go beyond Althusius in his interpretation of rights of resistance, and on the other hand the Dutch scholar developed theories that would have been of much interest to francophone intellectuals concerned with the limits of the *ius maiestatis*. The fact that Huber eventually worked his way forward from Althusius to a political theory not unlike that of John Locke, and yet without apparent influence from the latter, suggests that some of modern liberalism, traditionally attributed to Locke by anglophone scholars, may have had other sources.

5. *The need for further research*

The foregoing sketch does not exhaust the many highways and byways of ideas that the following essays explore. Nor by any means do the essays

in this volume cover all of the important figures and ideas of Huguenot political thought in the *Refuge*. By way of conclusion to this introduction, a few of the opportunities for further research that cry out for attention will be mentioned, with the caveat that this list could go on for many pages.

There is no wide-ranging treatment of the Huguenot contribution to political thought through the many histories, utopias, and travel journals (real and fictive) that they wrote. A large book should be written on Rousset de Missy, for example. Writers who have discussed his work, such as Meinecke and Jacob, tend to focus on one or a few of his massive writings and other activities, and one cannot help the feeling that one is reading the reports of the blind men and the elephant. Charles Ancillon, who wrote on everything from the legal status of the Edict of Nantes to Turkish eunuchs, is virtually unknown. Jacques Bernard, who published collections of peace treaties and confederation documents with obvious intentions, and took over Bayle's *News of the Republic of Letters*, has not been studied in depth. A dozen more prolific historians, utopianists, and travel writers could be culled from the bibliographies in Haase's and Dodge's books, just for a start.

There is no systematic study of the political meaning of the many sermons published by Huguenots in the century after the Revocation of the Edict of Nantes. Bertram Schwarzbach begins this project in his essay in this volume, but he is only reviewing the sermons of one writer, when dozens if not hundreds contributed to the sermon literature.

We now have convenient guides to the periodicals and periodical editors and writers of the period,¹⁸ but no synoptic treatments of their political ideologies. The reception history of Huguenot journalism (as well as of Huguenot historiography, sermons, and so forth) has yet to be written.

Questions of interpretation abound. For example, Huguenot erudites often specialized in irony, parody, double meanings, literary spoofs. What did that imply for political thought, in the short term and in the long term?

Each of the essays in the following volume is an exploration in a hitherto underappreciated aspect of Huguenot political thought. They are contributions to the recovery of the political thought of one of the major currents which fed into modern liberalism. Together, they echo the *cri de coeur* of the Huguenots of the *Refuge*.

¹⁸ See note 7 above.

CHAPTER ONE

THE CLAIMS OF CONSCIENCE: NATURAL LAW THEORY, OBLIGATION, AND RESISTANCE IN THE HUGUENOT DIASPORA

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The influence of "modern" natural law theory is conventionally detected in writers on ethics and politics associated with the second generation of the *Refuge*, such as Jean Barbeyrac, Jean-Pierre de Crousaz, Jean-Jacques Burlamaqui, and Jean Le Clerc.¹ It is less frequently considered central to the concerns of writers of the first generation, such as Pierre Bayle and Pierre Jurieu, whose polemics and more reflective works of political analysis are considered to belong to a less cosmopolitan and more narrowly French thought world shaped in the years before the Revocation by an education dominated by the study of Descartes and Malebranche. This article will attempt to show that natural law arguments, and those associated with Hugo Grotius in particular, played a distinctive part in the formation of the opposing ideas of Bayle and Jurieu on the nature of moral and political obligation and the possibility of civil toleration. That Grotius's arguments could be deployed on the same topic to such wholly divergent ends will be seen to be precisely expressive of not only the range of views on resistance to sovereigns within the *Refuge* but also the spectrum of opinions that could be identified in Grotius's own writings. And in its second main argument this article will suggest that some of the confusions and contradictions that are apparent in the natural law theory subsequently developed by Barbeyrac become more perspicuous once one sees that he is attempting an extremely complex reconciliation of essentially incompatible elements in the natural law tradition: on moral obligation he takes Pufendorf's voluntarism as his model; on political obligation he follows Locke's contractarianism; but within both categories he seeks to identify the faculty of conscience with the moral intuitions of natural reason

¹ I am very grateful to the following colleagues for commenting on an earlier draft of this article: Derek Beales, Daniel Brühlmeier, Chris Laursen, John Robertson, Simone Zurbuchen. All translations are my own except where an existing translation is cited.

- a position inherited from Bayle which had itself already been conditioned and nuanced by Grotian natural law arguments of a different hue from those of Pufendorf and Locke.

Given this complexity, it is important to be clear at the outset about the content and boundaries of natural law theory at the end of the seventeenth century. Those of its practitioners who also wrote "histories of morality", reviewing the whole history of ethics from antiquity up to Pufendorf and Locke, of course tended to subsume the whole post-Renaissance era within the dominion of natural law.² But in fact the central objectives that Grotius, Hobbes, Cumberland, Pufendorf, and Locke can be said to have shared were two: the creation of a new moral epistemology to explain why men were bound to obey natural law and what the content of that law was; and secondly, to give a new contractarian account of political obligation to replace divine right patriarchalism.

In the case of moral obligation, opinion divided between those such as Hobbes and Pufendorf, who identified the source of our obligation to obey natural law in voluntarism (the power of God and man to impose meaning on the world through an exercise of will), and those such as Grotius and Leibniz, who recognised the moral touchstone of mankind in rationalism (the gift by God to man of reason as a reliable standard against which right conduct could be judged). On the separate but related question of political obligation, a spectrum of contractarian positions was developed ranging from a single and irrevocable transfer of sovereignty from the people to the sovereign in Hobbes to the heavily circumscribed and conditional grant of discretionary power in Locke. As we shall see, once the issues of the rights of conscience and the duties of moral and political obligation came into conflict within a Huguenot community steeped in the language of obedience to secular authority, then the wide range of options expressed under these two heads of moral and political obligation became a fertile source of scrutiny and original political reflection.

Barbeyrac and his younger contemporary Burlamaqui are generally discussed in terms of their intellectual engagement with Grotius, Pufendorf, and Locke rather than by reference to their lingering Huguenot affiliations. Here, however, it will be argued that one of the keys to understanding the particular trajectory of their thought was the position they occupied in the Huguenot *Refuge* in relation to the intellectual legacy of that first generation of writers in the *Refuge*, who had sought to define the social space

² See R. Tuck, "The 'Modern' Theory of Natural Law", pp. 99-119.

that could be allocated to rights of conscience under absolutist rule. The role of God as a guarantor of any moral system, the rights of conscience, and the Huguenots' monarchomach inheritance were both important aspects of debates in the early years of the *Refuge* which centred on the issue of whether there were legitimate justifications for resistance to a duly constituted sovereign in the face of persecution; indeed, the famous dispute between Pierre Bayle and Pierre Jurieu turned on just these points. By working towards a better understanding of the way in which natural law theory impinged upon these authors, we may also achieve a clearer explanation of the source of Barbeyrac's confusions in his elevation of the role of conscience in his own theory. Then we may come to see that Barbeyrac's work (and that of his younger contemporary Burlamaqui) can be more accurately regarded as the outcome rather than the initiation of an attempt within the diaspora to enroll the resources made available in the ethical systems of Grotius and Pufendorf into the quest for a solution to the problems of Huguenot political identity.

1. *The context of the political theory of the diaspora*

Before the Revocation of the Edict of Nantes by the Edict of Fontainebleau, the political theory of the Huguenots in France had been essentially conformist and absolutist.³ The civil rights and guarantees of security of worship enjoyed since the end of the Wars of Religion (notwithstanding the military modifications of the Peace of Alès) depended entirely on the authority of the French king. So long as this support was maintained, it was clearly in the interests of the Huguenots to offer unambiguous support in turn to the royal government which stood as the only bulwark between them and the hostility of the majority of Catholic clergy and laity. The Huguenots were inevitably also strongly Gallican, offering full support to

³ The best and most succinct accounts in English of Huguenot political theory before and after the Revocation are M. Yardeni, "French Calvinist Political Thought, 1534-1715", esp. pp. 326-36, and the magisterial article by E. Labrousse, "The Political Ideas of the Huguenot Diaspora (Bayle and Jurieu)", pp. 222-83. This section of my argument is indebted to both of these articles. A useful summary of Jurieu's career and an account of the reasons for his protracted quarrel with Bayle is provided in F.R.J. Knetsch, "Pierre Jurieu: Theologian and Politician of the Dispersion", pp. 213-42. A more broadly conceived treatment of the writings of the *Refuge* that still contains much of value is E. Haase, *Einführung in die Literatur des Refuge*.

the crown in its squabbles with the papacy. Absolutism was the stated thesis of Huguenot political writers throughout the English Civil War and the *Fronde*s when they sought to dissociate themselves from Independent and Presbyterian actions in England and protest their loyalty to the crown during the difficult years of Louis XIV's minority. The two Protestant academies at Saumur and Sedan, where Bayle and Jurieu were trained and first employed, were bastions of monarchism right up to their suppression; and until the last moment, on the eve of the Revocation itself, when royal policy had been moving in the direction of persecution for a number of years, Huguenot apologists rejected any attempt to criticise or limit the crown's application of its absolutist claims.⁴

The quality of the absolutism they espoused was that of divine right rather than untrammelled arbitrary despotism: the prince had to account to God for his actions, and was placed under more immediate constraints by the terms of his coronation oath, which committed him to upholding the fundamental laws of the kingdom: he was the analogue of God on earth, offering a guarantee of paternal protection as well as sovereign power. The classic and indeed only case in which there was a right and in fact a duty to disobey occurred when the orders of the prince were in direct conflict with the commandments of God.

In so doing the Huguenots were not merely following enlightened self-interest but aligning themselves with normative political assumptions in late seventeenth century France about the natural order of the commonwealth: among both Catholics and Protestants republican constitutional forms were taken to be self-evidently partial, exclusive expressions of minority interests that were inimical to the good of the polity.⁵ The claims of French absolutism, which had been put together painstakingly by the religious and legal establishment to transcend the religious divide, could be endorsed by most Frenchmen after the Wars of Religion because "absolutist doctrine created of its own a civic humanism based on obedience to the royal

⁴ An index of this hopeless attempt to defy the accumulation of contrary evidence is the way in which Bayle, from his exile in Rotterdam, secured the publication of the tract by Elie Merlat entitled *Traité du pouvoir absolu des souverains*. The fact that this treatise could only be published in Cologne eloquently expresses the impossibility of reconciling the Huguenots' practical and theoretical positions by 1685.

⁵ See A. Herman, "The Huguenot Republic and Antirepublicanism in Seventeenth Century France".

will".⁶

As a result, when the Revocation took place the Huguenots were in a most difficult position because their theologians and their jurists had for so long presented the duties of obedience and the duties of Protestant worship as unproblematically integrated.⁷ Now they had to choose between obeying Louis XIV and abandoning their faith, or staying loyal to their profession while disobeying a king who had forbidden them both to worship and to leave France. In these circumstances it was difficult to recover and clearly articulate a duty to rebel when the prince's commands countermanded the duties owed by one's conscience to God. It was not only for reasons of practical politics but also as a way of finessing this ideological problem that more than 200,000 chose to leave France and establish themselves in neighbouring countries in the hope of a change in conditions in the future. The remainder, who stayed in France and tried to retain their worship in private or by means of secret open-air meetings, sought only to be left alone rather than to resist the king.

The first generation of exiles did not seek assimilation into their host countries because their efforts were focused on the prospects for return. The majority of writers in the *Refuge* settled in the Netherlands because of the presence of a large French-speaking Walloon population there attending Reformed churches, and because the Dutch publishers were active in publishing many books in French. The nexus between the *réfugiés* and publishers and printers was important for the Huguenots themselves in giving them a new means of communicating their beliefs at a time of imminent extinction, but also in the longer term assisted the rise of French as the dominant language in the Enlightenment. In particular, a new conduit was available for spreading access to English books on the continent through translation, and offering a wider audience to French Catholic authors who had been denied permission to publish in France itself.⁸ However one seeks to define it, the experience of exile became

⁶ Herman, "The Huguenot Republic and Antirepublicanism", p. 269.

⁷ As Geoffrey Adams has recently expressed the point in *The Huguenots and French Opinion, 1685-1787*, Huguenot political views had "shifted in response to their acceptance or repudiation by the Crown" (p. 10).

⁸ Particularly important in this regard were the series of journals founded and sustained for over forty years by Bayle, Basnage, and Le Clerc: *Nouvelles de la république des lettres* (1684-9; 1699-1710); *Histoire des ouvrages des savans* (1687-1709); *Bibliothèque universelle et historique* (1686-93); *Bibliothèque choisie* (1703-13); *Bibliothèque ancienne et moderne* (1714-26). As S. Zurbuchen has

gradually a process of secularisation in which political priorities loomed larger than narrowly religious ones. The point has been well made by Elisabeth Labrousse in the following terms:

The social melting pot resulting from exile, the poverty, indeed sometimes total ruin, which accompanied it in most cases, the break with past customs, the contact with foreign institutions and cultures, all this produced in the Refugees that secularisation, that critical spirit, that penchant for discussion resulting from the questioning of the argument from authority, so characteristic of the *crise de la conscience européenne* that would lead to Enlightenment.⁹

The experience of exile and the intellectual trajectory it described lent a new significance to the narrowly construed concerns of seventeenth century Huguenot political theory, and created a paradox by which the practical dissolution of a political community led nevertheless to a restatement and enriching of its theoretical base.

2. *The political theory of Bayle and Jurieu*

Given the rich resources of monarchomach resistance theory that remained to the Huguenots as a legacy from the Wars of Religion in the previous century, it is surprising that the initial reaction of Huguenot writers to the diaspora did not involve a substantial reliance upon such contractarian and corporatist discourse. Some efforts were indeed made to redescribe the Edict of Nantes not as a gracious concession by the king, or as a series of religious rights granted to individuals, but rather as a legal treaty made between the monarch and the Reformed Protestant Churches, a corporate body which shared in the sovereignty of the kingdom. But few other authors followed Jurieu in alleging that by annulling the edict Louis had broken a contract to protect his subjects and abolished a fundamental law of the kingdom.¹⁰

Part of this reluctance to use the political discourse which they had inherited must have been practical, for it was soon appreciated that the realities on the ground rendered such language both ineffectual and inappropriate. The successful suppression of the infrastructure and public

shown, these journals were very important in reviewing and disseminating works relating to natural law theory and issues of religious toleration: *Naturrecht und Natürliche Religion*, pp. 89-96.

⁹ Labrousse, "Bayle and Jurieu", p. 232.

¹⁰ See Yardeni, "French Calvinist Political Thought", p. 331.

identity of the French Protestant church and the mass exodus of a large part of the French Protestant population created a wholly new situation: there clearly was no longer a corporation in France whose rights could be vindicated; there were no lesser magistrates in place whose authority could be cited against the crown. The royal argument that the Edict of Nantes was now superfluous because there were no Protestants left in France was brutally plausible.

Clearly a defence of the right of Protestants to return and to resist the crown's policy of assimilation had to be based on new ideas that transcended the legalistic case surrounding a palpably defunct contract. The members of the *Refuge* were now more interested in defining precisely where their secular allegiances were to be identified; they were now concerned to redefine the boundaries between obedience to the state and the right to toleration, and to clarify the political actions, if any, that could follow from the denial of any such right. A whole new range of questions had opened up which required theorists to be practical, flexible, creative, and eclectic in the choice of intellectual resources to support their positions.¹¹ All of these issues involved conflicts of loyalty "which remain in the final analysis a matter between the refugee and his conscience".¹²

It is no surprise therefore to find the two leading responses - those of Bayle and Jurieu - both drawing on the same natural law authorities to support very different arguments. Natural legal accounts of the basis of sovereignty and obligation, based either on sociability or on voluntarism, whether divine or human, had by now become the *lingua franca* of ethical discussion, providing the framework within which political relationships could be discussed irrespective of denomination.¹³ It was part of the Huguenot seventeenth century experience to have acquired, as part and parcel of their desire for conformity, the mainstream vocabulary of political discussion. If they were now compelled by reason of the Revocation to reconsider what held state and society together apart from religious affiliations, it is not surprising to find them turning to natural law theory for the answer. In the words of Labrousse, "[i]t appeared in retrospect that

¹¹ For more detail on this point and a penetrating overview of the options open to the Huguenots, see M. Yardeni, "Problèmes de fidélité chez les protestants français à l'époque de la Révocation".

¹² Yardeni, "Problèmes de fidélité", p. 314.

¹³ Some general indication of the role played by natural law theory in this transition is given in H.E. Bödeker, "Von der 'Magd der Theologie' zur 'Leitwissenschaft'".

the Edict of Nantes had implicitly called for a more fundamental sociability than the religious affiliations that distinguished the French one from another, a sociability that permitted among them a peaceful co-existence".¹⁴

Nor was such a theory of sociability available within the domestic resources of French political theory. For one of the results of the success of Louis XIV in achieving a monopoly of definition of the nature of royal absolutism was a retreat from political engagement on the part of jurists into the study of private law, which now bifurcated sharply from public law.¹⁵ The withdrawal of an interest group that had previously made such a notably varied and creative contribution to French political theory left only the *parlements* alongside the Huguenots as participants in a French corporative tradition of discussing sovereignty: and with the effective silencing of the *parlements*, the Huguenots were deprived of both institutional and theoretical support. As Church has remarked, "The jurists, as experts in the law, were in the nature of things the major theorists who developed the concept of monarchy and wrote concerning the laws that both authorised and regulated the exercise of royal power".¹⁶ A restatement of rights enjoyed under an ancient constitution was now not adequate to the scale of the ideological challenge posed by the Revocation, and it was natural for the Huguenots - and especially those in exile - to consult the intellectual resources of contemporary Protestant Europe in search of a coherent account of the foundations of natural society and relations within civil society that corresponded to their dilemma.

While both Bayle and Jurieu started from the claims of conscience, that *pointe de l'âme*, which neither could nor should be the subject of coercion by government or by the church of the majority, Bayle supported abso-

¹⁴ E. Labrousse, "*Une foi, une loi, un roi?*": *La Révocation de l'Edit de Nantes*, p. 218.

¹⁵ For a detailed discussion of this issue, see W.F. Church, "The Decline of the French Jurists as Political Theorists, 1660-1789".

¹⁶ Church, "The Decline of the French Jurists", p. 40. Church is also surely right to observe that this critical loss of influence and initiative by jurists goes some way to explain their supersession in the eighteenth century by the *philosophes*: "During the reign of Louis XIV, patterns of thought began to evolve from the traditional and authoritarian mould of the past to the rational, speculative and ultimately libertarian mentality of the Enlightenment. As a result the jurists, who necessarily worked within the frame of tradition, forfeited leadership in the field of political thought to the philosophes who had little use for tradition and less for religion" (p. 40).

lutism in politics and toleration of religious diversity, while Jurieu supported popular sovereignty in the political sphere and the maintenance of religious uniformity. On the question of resistance Bayle would go no further than advocating passive endurance of governmental authority notwithstanding persecution; while the more militant option urged by Jurieu suggested that because all power originated with the people, the capacity to act on their own behalf devolved to them once more when the sovereign breached a fundamental point of the original contract.

Their reactions to the Glorious Revolution in England amply demonstrate the contrast between them: Bayle expressed the view in his *Important Warning to the Refugees* that for his fellow Huguenots to offer support would only confirm the prejudice that French Catholics already had of them as inherently rebellious, anarchic, and hostile to established monarchies. A return to France could only take place through a change in French royal policy, and one pre-condition of that was that the *réfugiés* studiously avoid support for any of the more republican and populist political theories prevalent in their host countries. On the other hand, Jurieu saw salvation as closer at hand in the shape of William of Orange, whom he viewed (just as early seventeenth century Huguenots had looked towards Gustavus Adolphus) as something close to God's elect, who would through military prowess soon restore French Protestants just as his invasion had reassured English Protestants.¹⁷ In Jurieu's eyes the prospect of salvation overrode the need for any diplomatic niceties and gestures in the direction of Versailles.

Bayle's support for absolutism was traditional in that ultimately it derived from Calvinist notions of election and original sin: with the exception of those whom God had saved through grace, most men were fallen and corrupt and therefore only susceptible of rule by an absolute monarch.¹⁸ If only the elect possessed a sense of true religion then very little attention should be devoted to the outward forms and expressions of religion as no clear link with true moral practice could be demonstrated. For this reason even atheists could form functional societies and ancient history served amply to prove this point. If it were the case that true religion was a matter of the inward relationship between the "wandering

¹⁷ It is relevant to note in this connection that Jurieu was associated through his family with the cause of the Orangist stadholder, whereas Bayle was linked to a number of Regent families that were republican, and theologically liberal.

¹⁸ See E. Labrousse, *Pierre Bayle*, vol. II, ch. 16, "La Théorie Absolutiste", pp. 474-96.

conscience" of the individual and God, then toleration was the morally correct position for the state to adopt, as persecution could only touch externals and, by encouraging a mere surface conformity, breed hypocritical subjects. Toleration made sense not only on moral grounds but on political ones as well, as there would then be no reason for religious minorities to become disaffected or dissident: the example of the Catholic minority in the United Provinces demonstrated how toleration bred loyalty whereas persecution sponsored dissent. Louis XIV's error was therefore to have overstepped his legitimate powers and to have annulled an edict of perpetual validity, which was tantamount to perjury. Yet opposition could extend no further than a refusal to attend Catholic Mass, and a willingness to leave the country or to attend the assemblies of the *désert*.

Conditioned by his Augustinian assumptions, Bayle recommends a fatalist conservatism, convinced that any change in the established constitution of a country would be a change for the worse. In the case of the United Provinces he supports the oligarchic pattern of assemblies associated with the Dutch Regents because that is the established system of government. In the case of France, however, a strongly centralised monarchy is the only option: this is argued for both by the evidence of French history, and the continuing need to defend the integrity of France against Habsburg expansionism and the ambitions of local magnates. Once these conditions of security have been assured then liberty both could and should be encouraged, including liberty of religious expression. Interestingly, Bayle held up James II of England in this context as an exemplar for the French monarchy, by virtue of his Declaration of Indulgence in favour of the minority English religious groups.

Few in the *Refuge* could accept Bayle's politics, but his views on toleration were quite easily detached and justified on different premisses, notably those used by Locke in his contemporaneous *Letter on Toleration*.¹⁹ Rather the opposite pattern emerged in the case of Jurieu, whose militant politics were in tune with the first phase of refugee politics (being especially well received by those Protestants still in France who had

¹⁹ There is still no adequate account of the distinctive and distinguishable impact of exile in Holland on the development of Locke's arguments in the *Epistola*. In the preface to his edition of the Latin text, Raymond Klibansky sketches in the range of Locke's Arminian and Huguenot contacts in Holland without estimating their substantive impact on its contents: see R. Klibansky, "Preface" to John Locke, *Epistola de Tolerantia/A Letter on Toleration*, pp. vii-xliv.

access to the pages of the *Pastoral Letters*), but lost popularity later partly through an intolerant refusal to allow for diversity of religious belief and even more because his prophetic dreams of ultimate Protestant triumphalism and imminent papal apocalypse were shown to be mistaken. As a writer, Jurieu was above all an obsessive polemicist dedicated to deploying all and every means to ensure a return from the desert, and as a result his successive writings often offer quite blatant contradictions among one another. Or to put the point more mutedly, but also with more precision, "[h]e tends to move between broad juridical or Christian propositions about individual self-defence, and constitutional arguments from law positive".²⁰

His first account of popular sovereignty is to be found in an early tract of 1677 (entitled *Treatise on the power of the church*) which was devoted to the issue of whether the power of church synods was built on an ascending or descending principle: he argued that such power stemmed from Christ who had vested it not only in St. Peter and the apostles but also in the people as a whole who had then set up ministers as chosen preachers. Although in this ecclesiastical context the argument was not expressly directed at the French crown, it was clearly not difficult to see how Jurieu derived his view that absolutism could be called into question once the king failed to offer his subjects the protection afforded to them by the fundamental laws of the kingdom. He has a high notion of contract, so that once a people has bound itself to a form of government it cannot renounce it without good cause - which is constituted by the king rebelling against God or the basic laws of the kingdom. In those circumstances, where one side to the contract has departed from its terms, the contract itself is abrogated.

Although he clearly has monarchomach sources in mind he rarely cites them directly, relying on his audience's knowledge of this common inheritance. But any comparison with Locke's development of a communitarian right to resist only serves to highlight the retrospective focus of Jurieu's work: as Dodge has rightly emphasised, it is not a popular right of sovereignty that is articulated here but a right of resistance on the part of lesser magistrates and others in a position of subordinate authority. Popular sovereignty is for the most part discussed in corporate terms rather than through the language of rights of violence belonging to individuals.²¹

²⁰ R. Howells, *Pierre Jurieu: Antinomian Radical*, p. 59.

²¹ See G.H. Dodge, *The Political Theory of the Huguenots of the Dispersion*, pp. 70, 93, 98-9.

The critical point he seeks to establish about popular sovereignty is that it can never be renounced because it is the key constituent in the origin of states: the actions of monarchs must be resisted if they involve claims of rights that it was not possible for the people to have granted - such as the right to make war on God and the fundamental laws of the kingdom through religious persecution.²²

However, the cause of civil toleration did not offer a way forward because ultimately that principle only served to propagate religious indifference and alienated the secular powers without whose aid christianity would never have established itself. It was axiomatic that to tolerate religious minorities was incompatible with the security of the state, as religious pluralism must lead inexorably to political dissent.²³ It was essential to retain the principle that error could be distinguished from truth, all the more as he believed (after studying the Book of Revelation) that the end of papal power was imminent. This bizarre doctrine proved very reassuring for a number of years to the beleaguered Huguenots still in France, when disseminated to them through the *Pastoral Letters*. As Labrousse has written, for Jurieu "all history has aspects of sacred history", where the rights of God, peoples, and kings are inseparable.²⁴

Jurieu's purpose in the *Pastoral Letters* was not so much to incite the rebellion of French Protestants directly, but to justify to them the invasion of England by William of Orange and so raise their hopes of a similar invasion of France. Nevertheless, this was not how they were read by Bayle, who viewed Jurieu's populism as a disastrous messianic delusion which would only antagonise Louis XIV further, rendering the circum-

²² "Les peuples font les rois; donc les peuples ne peuvent donner aux rois un droit que les peuples n'ont pas; c'est celui de faire la guerre à Dieu, de fouler aux pieds les lois, de faire des injustices, de détruire la véritable religion, de persécuter ceux qui la suivent". Pierre Jurieu, *Lettres pastorales adressées aux fidèles de France qui gémissent sous la captivité de Babylon*, Troisième Année (Rotterdam, 1689), xvi, p. 123: reprinted in P. Bayle, *Oeuvres Diverses: Volumes Supplémentaires*, vol. II.

²³ Jurieu's insistence on religious uniformity reveals the inherent contradiction between his espousal of social contract theory - which has served historically to demarcate the respective social space accorded to secular and religious claims - and his determination to subordinate all aspects of social life to a single interpretation of God's purposes for man. As Howells as written, "...the *intention* of Jurieu is quite contrary to the *objective tendency* of his juridical utterances" [Howells, *Pierre Jurieu*, p. 60].

²⁴ Labrousse, "Bayle and Jurieu", p. 252.

stances of Protestants within France and in the *Refuge* much more difficult. The *Pastoral Letters* would also serve further to erode belief in the necessity of divine right political theory within the intellectual Huguenot community. It is these convictions that explain the ferocity of Bayle's attack in his *Important Warning to the Refugees* of 1690 which in turn produced a vituperative response from Jurieu that generated a polemic concluded only with the death of Bayle in December 1706.

In the *Important Warning to the Refugees*, Bayle has no difficulty in pillorying those Huguenot writers who had veered from support of absolutism before 1685 to more populist appeals after the Revocation. But the work is of more particular interest for the sustained attack developed in its second section upon the heritage of sixteenth century Calvinist resistance theory, which Bayle took to be one of the main sources of Jurieu's comments on resistance to a sovereign.²⁵ Bayle discusses the views of Beza, Buchanan, Goodman, and Knox in detail, arguing that Beza (and by implication Jurieu) is illogical in trying to reserve resistance to the *pars valentior* and disallowing a general right to resistance vested in individuals. For once a rebellion against a sovereign is granted to be legitimate, then immediately the question arises of who will decide whether the sovereign's actions amount to an annulment of the contract obtaining with his subjects. For what reason should this be attributed to lesser magistrates, who have done nothing to deserve the trust of the people? What was intended to be a insurance policy against the anarchy of each man deciding in his own cause, turns out to be no safety measure at all when scrutinised; for if kings are not to be trusted, then why should lesser magistrates be any more worthy and reliable as political actors?²⁶ What is left instead is a tendency to anarchy and the fragmentation of political authority. From this it follows that sovereignty must remain indivisible and unquestioned.²⁷ Thus Bayle

²⁵ See P. Bayle, *Avis important aux Refugiez sur leur prochain retour en France*, (Rotterdam, 1690), Second Point, reprinted in *Oeuvres Diverses*, vol. II, pp. 592-611.

²⁶ P. Bayle, *Avis important aux Refugiez*, p. 603.

²⁷ It might be thought that one way out of this *impasse* was to allow for representative bodies to present grievances to the sovereign; but that would be to forget the narrowly French focus of this debate, where even the advocates of popular sovereignty only chose to involve the people at two points: when the origins and sources of government were under discussion, and when the collapse of normal government was imminent. It was essentially a debate about whether or not there could be a popular remedy at a time of crisis management when the original role of the people in determining the origins of government might plausibly

repudiates one of the most strategically astute and rhetorically persuasive moves of monarchomach political theory, which had legitimated a rebellion organised by lesser magistrates while excluding the potential for social anarchy that the grant of a general right of private violence would bring.

3. *The role of Grotius in the Refuge*

The thought world of the early *Refuge* as I have depicted it is one that is eclectic in its intellectual borrowings but largely restricted to authors of theological or historical works.²⁸ However, there were no inhibitions involving discussions of secular-minded thinkers such as Machiavelli and Hobbes as the Huguenots' low estimation of man's fallen nature led them to read such authors as accurate chroniclers of human behaviour, especially in international affairs. Such writers gave valuable insights into "reason of state" thought which the Huguenot practical experience of international affairs could wholeheartedly endorse.

Yet the only natural law writer who wins regular plaudits from both Jurieu and Bayle (albeit for rather different reasons) is Grotius, and it is worth considering for a moment why this should be so. For a seventeenth century Huguenot, Grotius would first of all have been familiar as an Arminian theologian as much as as a secular writer. Richard Tuck has shown us how Grotius's reputation in the later seventeenth century was founded as much on his project for christian union and reconciliation between faiths as on his secular natural law theory.²⁹ And nowhere was this more so than among the Huguenots of the *Refuge*, where Grotius's *On the Truth of the Christian Religion* was republished in a new edition by Jean Le Clerc in 1709 which gave it a new lease of life well into the eighteenth century.³⁰

be revived. Concepts of representation were not involved. On this point see Herman, "The Huguenot Republic and Antirepublicanism".

²⁸ Labrousse has identified some early miscellaneous use of natural law arguments to counter particular decrees of the royal council, but this is not part of a programmatic commitment to natural law theory [Labrousse, "Bayle and Jurieu", p. 244].

²⁹ See R. Tuck, *Philosophy and Government 1572-1651*, ch. 5, esp. pp. 179-201.

³⁰ H. Grotius, *De Veritate Religionis Christianae*, ed. J. Le Clerc (Amsterdam, 1709), originally published in 1627. This edition is also notable for the inclusion of a dissertation by Le Clerc himself entitled "De eligenda inter Christianos

In this work Grotius had argued that a study of scripture yielded up a set of fundamental articles necessary for salvation upon which all christians could agree as a starting point for ecclesiastical union. The criterion he had employed in determining those principles was the dictates of human reason: if a doctrine was not conformable to reason it should be rejected; there is argued to be an easy equivalence between the essence of the Gospel and the conclusions of the light of reason independently arrived at. A fully fledged, if minimal, natural religion can be derived from this procedure.³¹ As Tuck has pointed out, and as latitudinarian writers such as Le Clerc were aware, the corollary of this thesis in ethics was that human reason could isolate a minimal set of natural laws upon which all men could agree as the basis for their social actions. It followed from this premiss that the laws of nature need not necessarily be defined as the laws of God, as an atheist could as well arrive at them by his own rational route.³²

The relevance of these arguments to Bayle will not perhaps be apparent at first, given his well-known opposition to the Socinian theology of Le Clerc and to the rationalist techniques for the reading of scripture proclaimed by Le Clerc in his *Art of Criticism* (1697).³³ His pyrrhonian scepticism, his low and inherently Calvinist estimate of human capacities, and his fideist conviction that religious truths could only be experienced and not demonstrated, all led him in a different direction. However, in fact

dissentientes Sententia", in which he attempted to build on Grotius's principles and indicate how a christian should go about deciding to which denomination he should affiliate.

³¹ For an analysis of how Grotius arrived at his *minimum credo*, see J. Lagrée, "Grotius, Stoïcisme et Religion Naturelle", pp. 80-96.

³² The effect of native Dutch thought and idiom upon the development of Huguenot writing and the later rationalist theology of the Refuge remains largely unexamined, yet the coexistence of naturalism and Arminian sympathies in natural law writers such as Lambert van Velthuysen is suggestive of one possible filiation. On Velthuysen, see H.W. Blom, "The Moral and Political Philosophy of Spinoza", pp. 319-20.

³³ Bayle's attack on Le Clerc's Socinianism is epitomised in his article "SOCIN (Faustus)" from the *Dictionnaire historique et critique*, and the late work *Réponse aux questions d'un provincial* (Rotterdam, 1703). Le Clerc's reliance on Grotius for his formulation of rationalist criteria of scriptural interpretation is argued in M.I. Klauber, "Between Protestant Orthodoxy and Rationalism: Fundamental Articles in the Early Career of Jean Le Clerc", pp. 611-36, and J.J.V.M De Vet, "Jean LeClerc, an Enlightened Propagandist of Grotius' 'De Veritate Religionis Christianae'", pp. 160-95.

Bayle's writings of the 1680s are scattered with references to Grotius that are entirely positive: as a theologian, Grotius shared and indeed had anticipated many of Bayle's arguments on the inefficacy of religious persecution, and these points are reiterated. On natural law, Bayle agreed with Grotius and Malebranche that the moral obligation of natural law lay not in voluntarism - as Hobbes and Pufendorf had maintained - but in its capacity to command or forbid what was good or bad in itself according to the counsel of reason. To use Bayle's own words in his *Continuation of the Miscellaneous Reflections on the Comet*, "I hold to the doctrine of Grotius: it seems to me that man is as obliged to conform to the ideas of right reason in all his acts of will, as to follow the rules of logic in the acts of his understanding".³⁴

This attachment to Grotius as a natural law thinker requires some clarification.³⁵ One would expect Grotius to appeal to Bayle because of his discussion of scepticism in the Prolegomena to the *Law of War and Peace* and elsewhere, but this does not appear to be so. One would also anticipate that Bayle would disapprove of Grotius because of his Arminianism and the way in which latter-day Socinians had adopted his views as their own. But he is not cited in this regard.³⁶ In fact, he is valued for his staunch absolutism (all the more so because of his distance from orthodox Calvinism) and for the access given in his natural law theory to truths of reason - the *vérités de raison* - which Elisabeth Labrousse has identified as one of the leading components of Bayle's thought.³⁷

Labrousse identifies four components to Bayle's thought: truths of fact,

³⁴ "... je m'en tiens à la doctrine de Grotius: il me semble que l'homme est tout autant obligé de se conformer aux idées de la droite raison, dans les actes de sa volonté, que de suivre les règles de la Logique, dans les actes de son entendement" [Bayle, *Continuation des Pensées sur la comète*, clii, *Oeuvres Diverses*, vol. III, p. 409a].

³⁵ Grotius's *De Jure Belli ac Pacis* was available in the *Refuge* in the French translation by De Courtin, published in Paris in 1687 and republished in Amsterdam and The Hague in the following year.

³⁶ In fact, Bayle defends the orthodoxy of Grotius's minimalist creed in his article "GROTIUS" (remark L) in the *Dictionnaire historique et critique*.

³⁷ See E. Labrousse, *Bayle*, p. 63 for a brief statement of Grotius's positive contribution to defining access to rational moral truth. For the association between anti-Calvinism and absolutism, see note 41, *infra*.

truths of reason, truths of faith, and practical doctrines.³⁸ Grotian ideas are crucial to Bayle under the heading of the truths of reason because his account of how we use reason critically seems to Bayle akin to the way in which we assess the moral intuitions of our conscience: he makes this clear in a number of places in the section of his *Shortened System of Philosophy* devoted to ethics, and also as a main argument in his *Philosophical Commentary*:

...the first and most indispensable of our obligations is that of not acting against the prompting of conscience... every action which is undertaken against the light of conscience is bad in essence... Therefore there is an eternal and unchanging law which obliges man on pain of the greatest mortal sin that he can commit, to do nothing in contempt of or in spite of the *dictamen* of his conscience.³⁹

As I have noted, Bayle's account of toleration is not a rights-based account in the Lockean manner. Bayle may, broadly speaking, be a participant in the discourse of natural jurisprudence, in that he uses natural law arguments to support his view that sound moral intuitions are accessible to reason. But he does not acknowledge the existence of any natural rights that may be enforced against the sovereign. The only limits on the power of the prince are those set by God, and when the king denies religious free expression what follows is not a right of resistance but a duty upon each man to follow the dictates of his conscience so as to protect that interior domain controlled by God and not the civil power. Restraints are exercised on this freedom of conscience by human understanding of a morality whose principles are not difficult to identify as they are accessible both through the exercise of natural reason and the study of Gospel revelation. In the *Philosophical Commentary* Bayle frequently associates the rights of the individual conscience with Grotian arguments supporting the rationality of

³⁸ See Labrousse, *Pierre Bayle*, esp. vol. II, *Hétérodoxie et Rigorisme*. The tendency of the later *Refuge* and early Enlightenment to misconstrue the relative weighting of these four components is well characterised in E. Labrousse, "Reading Pierre Bayle in Paris".

³⁹ "...la première et la plus indispensable de toutes nos obligations est celle de ne point agir contre l'inspiration de la conscience... toute action qui est faite contre les lumières de la conscience est essentiellement mauvaise.. Donc il y a une loi éternelle et immuable qui oblige l'homme, à peine du plus grand péché mortel qu'il puisse commettre, de ne rien faire au mépris et malgré le *dictamen* de sa conscience" [Bayle, *Commentaire philosophique*, book II, viii, *Oeuvres Diverses*, vol. II, p. 425]. The references to Grotian ideas in the *Shortened System* are conveniently collected by Labrousse in *Pierre Bayle*, vol. II, pp. 257-60.

its intuitions: our duties to ourselves and to our neighbours, our duty to keep our promises all are rational intuitions - *vérités de raison* - as much as logical propositions.⁴⁰

On this basis even a community of atheists would reach the same minimal conclusions in ethics as those taught in christianity, and his extended discussion of this paradox amounts in fact to an attempt to push Grotius's notorious "*etiam si daremus...*" clause to its logical conclusions. Despite its potential for controversy, this was an issue that gave Bayle no qualms because of his own perception that the numbers of the Elect were in any case very small. As moral and political agents, atheists were no better and no worse than the bulk of those who professed to call themselves christians; and if a community of atheists could subsist on sound moral principles, then surely it followed that religious dissidents were likewise no threat to the authority or integrity of the civil power. Bayle took comfort from the argument that rational intuitions and christian teaching mutually supported one another and endorsed Grotius's conclusion that so far from undermining religion, an appeal to reason only served to demonstrate how important a motive for moral action christian doctrine was.

4. *Grotius and Huguenot resistance theory*

If Grotius proved useful to Bayle in his account of the need for civil toleration, he was also useful to him as a supporter of absolutism, where

⁴⁰ The issue of how Bayle integrates natural law arguments into the complex structure of the *Commentaire philosophique* is one which would repay further study. Walter Rex is confident that "...only one secondary influence cuts very deep in the *Commentaire*: the influence of Malebranche. One finds it in some of Bayle's terminology and in certain of his metaphysical assumptions" [W. Rex, *Essays on Pierre Bayle and Religious Controversy*, p.153]. But this is to note only those features of his indebtedness that are most obviously visible: the larger issues of how Bayle used other natural law writers and of their more general intellectual relationship to Malebranche await scrutiny. In what is perhaps the best modern evaluation of the philosophical arguments in the *Commentaire philosophique*, John Kilcullen has successfully recovered the intellectual engagement between Bayle and contemporary Jesuit moral philosophy (as it was characterised by Arnauld), but he does not open up the broader perspective: see J. Kilcullen, *Sincerity and Truth: Essays on Arnauld, Bayle and Toleration*.

his authority is often cited.⁴¹ In particular Bayle picks up his famous, if not notorious, contractarian argument that just as individual enslavement was possible, so too it was licit for a people to transfer its right to self-government once and for all to an absolute sovereign. Bayle too wishes to find arguments to block a right of resistance based on popular sovereignty and to leave the sovereign power untrammelled by constraints other than the law of God.⁴² This is, of course, wholly in line with Bayle's view of the Huguenot question, whereby Louis XIV's crime was against God for seeking to interfere in an area that was beyond his competence. Such royal actions could only be punished by God and not through the resistance of those directly affected.

It will be apparent that Jurieu's political theory is much less sophisticated than that of Bayle and yet his borrowings from Grotius on the question of resistance have their interest too: *prima facie*, it seems difficult to see how a theory of resistance that was indebted to the Calvinist resistance theory of the sixteenth century could also make a nod in the direction of *The Law of War and Peace*. But Jurieu was nothing if not ingenious in his opportunism, and it is revealing to see how he comes to

⁴¹ In the *Avis aux Réfugiés* Bayle implies that because Grotius had distanced himself from Calvinism he was sound on political obligation. While his Lutheran commentators had represented Grotius's views faithfully, his Calvinist commentator Gronovius had not hesitated to annotate the *De Jure Belli ac Pacis* with refutations of his arguments. In Holland these notes were always reprinted "comme un préservatif contre le prétendu poison de l'Original" [*Avis aux Réfugiez*, p. 609].

⁴² One example may be given of his deployment of a Grotian text in this cause: in his *Nouvelles Lettres Critiques de l'auteur de la Critique Générale*, a work of 1685, Bayle tries at one point to explore the problem of how monarchs who are admitted to rule without any impediment to their power can nevertheless be called to account and judged to be acting unjustly. He argues, conventionally, that both sacred and secular sources can be cited on this point, and that what is at issue here is the responsibility of monarchs to account for their actions to God alone. A text from the *De Jure Belli ac Pacis* is cited where Grotius argues on the authority of Claudian that the correct maxim for kings is "[c]onsider not what you may do, but that of which the doing will honour bring" [P. Bayle, *Nouvelles Lettres Critiques de l'auteur de la Critique Générale de l'Histoire du Calvinisme*, Lettre ix, (1685): *Oeuvres Diverses*, II, p. 218, citing H. Grotius, *De Jure Belli ac Pacis*, book III, ch 4. §II]. It is pertinent that this reference occurs in the section of the work which first introduces Bayle's paradox of the "conscience erronée": just as the monarch is answerable for his actions to God's law alone, so too is the conscience, which must be allowed to pursue its own individual spiritual journey unhindered.

believe that Grotius addresses some of his concerns - not least for the confusions in Grotius's own account of resistance that are thereby exposed.

As we have seen, Jurieu's contractarian theory of sovereignty was developed largely in reaction to the Glorious Revolution and the perceived need to justify the role of William of Orange to the Protestants still in France, to whom he had been presented by the French government as a usurper and even as a man who had made war on his own father (-in-law).⁴³ In the *Pastoral Letters* for April-May 1689, which form a separate treatise on the subject of sovereignty, Jurieu uses essentially Grotian arguments to suggest that God uses the mechanism of popular decisions to place monarchs on their thrones, decisions which retain a resonance when the king makes war on his own people. When this occurs the king breaks with the terms of his appointment and becomes a tyrant who can be deposed. Unsurprisingly, Jurieu's method is to look first for passages in the Bible that support his case, and then to identify parallel texts in secular authors, notably Grotius.

Writing in the seventeenth and eighteenth of the *Pastoral Letters* for that year, Jurieu is aware that Grotius is commonly recognised as an apologist for absolutism.⁴⁴ Yet he identifies certain exceptions that Grotius allows for which he believes could be relevant in the case of the Glorious Revolution: these are the extinction of the ruling house (when power would revert to the people); renunciation or manifest abandonment of government by the sovereign; a case of usurpation by the king of a part of the sovereign power not wholly vested in him; and finally, the retention of some very limited power of self-preservation against personal attack even

⁴³ Increasingly in the 1690s Jurieu takes the opportunity to praise examples of limited monarchies in England, Germany, and Poland where, despite the boundaries imposed upon their discretionary powers, the monarchs nevertheless retained the right of initiative in most of the functions of sovereignty. While for tactical reasons it suited Jurieu to argue for the popular derivation of sovereignty, nevertheless in the practice of government he retained much of his original sympathy for absolutism: see H. Kretzer, *Calvinismus und französischen Monarchie im 17 Jahrhundert*, ch. 6, and esp. p. 420.

⁴⁴ "L'autorité du sçavant Grotius peut suffire là dessus, tant parce que sa penetration étoit fort grande dans les matieres de politique, que parce qu'il ne peut être suspect en cette cause, ayant porté l'autorité des Roys & des Souverains aussi loin comme elle peut-être raisonnablement portée, la faisant à sans bornes" [P. Jurieu, *Lettres Pastorales*, III (1689), xvii, p. 131].

when power has been transferred.⁴⁵

Even making allowances for Jurieu's magpie approach to his sources it does seem remarkable that Grotius's writings could be cited and quoted in support of a position that is not only diametrically opposed to that of Bayle as I have summarised it, but also contrary to the familiar reading of Grotius as a defender of natural slavery that has been orthodox since at least Rousseau.⁴⁶ A general explanation has, I think, been provided by Deborah Baumgold in an excellent recent article on resistance theories in seventeenth century social contract writers.⁴⁷ Her main argument is that so far from offering a single and clear-cut account of rights of resistance, Grotius's texts yield a number of apparently conflicting views: "[w]e can see, with the benefit of hindsight, that Grotius's mistake lay in conflating several different issues under the single heading of the resistance question".⁴⁸ My gloss on this contention would be that each of the elements in the Grotian confusion that she identifies can also be isolated as a key element in Huguenot discussions of the issue of resistance to Louis XIV; thus the fault lines within this debate are perpetuated.

First of all Grotius has an argument that private violence is incompatible with the nature of civil society: there can be no indiscriminate right of resistance by individuals - for such unlimited private warfare would breach the state's primary purpose of keeping the peace.⁴⁹ As we have seen, both

⁴⁵ Jurieu, *Lettres Pastorales*, III (1689), xviii, pp. 138-9. At this point Jurieu parts company with Grotius when he moves on to argue that in a christian commonwealth extensive natural rights to self-preservation remain that trump scriptural requirements to submit to the powers ordained of God. Whereas Grotius - and for that matter Bayle - base at least part of the case for absolutism on scriptural demands for submission to authority, Jurieu argues that a right to self-preservation when under attack nevertheless remains [*Lettres Pastorales*, III (1689), xv, p.119]. The clear-cut individualism of this last essay sits uneasily with Jurieu's monarchomach assertions elsewhere that he sought only to justify a mass rebellion led by representative lesser magistrates and not a general, and potentially anarchic right to resist possessed by individuals.

⁴⁶ For Rousseau's discussion of Grotius's doctrine of natural slavery, see J.J. Rousseau, *The Social Contract and Discourses*, book III, ch. 18, p. 273.

⁴⁷ D. Baumgold, "Pacifying Politics - Resistance, Violence and Accountability in Seventeenth Century Contract Theory", pp. 6-27.

⁴⁸ Baumgold, "Pacifying Politics", p. 11.

⁴⁹ The state, therefore, in the interest of public peace and order, can limit that common right of resistance. That such was the purpose of the state we cannot doubt, since it could not in any other way achieve its end. If, in fact, the right of resistance should remain without restraint, there will no longer be a state, only a

Bayle and Jurieu claim to oppose a right of general resistance - Bayle, as a stick with which to beat Jurieu and as a means of refuting resistance *tout court*; and Jurieu as a way of legitimating *limited* resistance by the people expressed not as individuals but as a collectivity mediated through representative leaders.

Secondly, Grotius has a larger argument about the accountability of governments to their peoples. Unlike Hobbes, for whom sovereignty *must* in all circumstances be absolute and unconditional, he varies his position according to whether there is a historical contract in place which provides for a popular voice to call the government to account: "If rulers [are] responsible to the people, whether such power was conferred at the beginning or under a later arrangement, [then] if such rulers transgress against the laws and the state, not only can they be resisted by force, but, in case of necessity, they can be punished with death".⁵⁰ This is one of the passages that Jurieu was able to quote selectively and to such good effect in his *Pastoral Letter* no. xviii (1689).⁵¹ Grotius's real point is that while constitutional governments are *ipso facto* accountable to the people, that does not mean that there is a general popular right to call governments to account in every case: it is just as legitimate for a nation to choose unlimited absolutism instead, which was the general point that Bayle equally highlighted selectively as part of his defence of French absolutist claims.

Thirdly, Grotius argues that under the law of nature a right to self-preservation persists even in civil society that may be resumed in the case of "extreme and imminent peril".⁵² This remains rather underdeveloped and unintegrated in *The Law of War and Peace*, and of course is taken much further by Hobbes; but it is nevertheless cited by Jurieu as one of those exceptions to the general rule that support William of Orange's invasion. It seems fair to say therefore that Grotius's refusal to sort out the lumber room-full of positions available in his text gave ample scope for fairly indiscriminate plunder by those in the *Refuge* who needed to find support in natural law writers for a particular programme of action to overcome the disaster of exile in the *désert*.

I have tried to argue that differing and competing readings of Grotius

non-social horde [H. Grotius, *De Jure Belli ac Pacis*, book I, ch. 3, §2, p.91].

⁵⁰ Grotius, *De Jure Belli ac Pacis*, book I, ch. 3, §8, p. 156.

⁵¹ Jurieu, *Lettres Pastorales*, III (1689), xviii, p. 139.

⁵² Grotius, *De Jure Belli ac Pacis*, book I, ch. 4, §7, pp. 148-56.

were used by Bayle and Jurieu to support their accounts of how best to respond to the Revocation. I would also wish to suggest at least that Barbeyrac and other students of Pufendorf made use of the reading of Grotius provided by Bayle and that the resulting synthesis articulated a clear right of resistance in matters of conscience alongside a theory of limited sovereignty based on "modern" natural theory. However, such a theory of limited monarchy based on social contract theory still gave substantial discretionary powers of initiative and enforcement to the monarch that resemble the contractarian definitions of enlightened absolutism characteristic of the mid-eighteenth century.

This fraught combination of ill-assorted elements was expressive not only of the contradictions that were part of the experience of the *Refuge*, but also reflected the contradictions within the thought of Grotius himself. His Arminian theology provided the Huguenots with many of the arguments that underpinned their high notion of the truths of reason accessible to the human conscience, while his natural law theory sustained them in their previous generous assessment of the rights of the civil power in secular and sacred matters. It was therefore, I would argue, as much a Grotian as a Lockean account of the *vérités de raison*, the rights of conscience and of resistance that flowed strongly through the "Republic of Letters". This distinctive vision of the relations between moral and political obligation on the one hand and legitimate resistance on the other continued to provide the focus of Huguenot identity once hopes of a return from exile had vanished, and from there emerged ultimately into a cosmopolitan ethics highlighting the moral intuitions of reason that was, arguably, characteristic of the Enlightenment as a whole.

5. *The natural law theory of Jean Barbeyrac*

The signing of the Treaty of Rijswijk at the end of the War of the League of Augsburg brought to a close the first phase in the history of Huguenot political theory after the Revocation. By refusing to address the Huguenot issue as a matter for discussion this settlement brought an end to any hope both of alleviation of Protestant persecution in France and of a return from exile in the *Refuge*. The terms of the debate in which Bayle and Jurieu had operated no longer applied: there was no pragmatic reason to retain Bayle's affiliation to divine right absolutism when the results of such trimming had proved so nugatory; likewise, Jurieu's apocalyptic predictions were exploded and his recommendations of religious uniformity

and armed resistance discredited.

A new generation of writers - of whom Barbeyrac was one - preferred to pursue assimilation while retaining a strong commitment to civil toleration as Bayle had defined it. But this civil toleration was now part of a broader rights-based theory heavily influenced by Le Clerc and Locke that sought to establish a contractarian basis for the whole political order. Whereas Bayle and Jurieu had looked to their past to find arguments that would assist them in their present campaigns, the next generation were tempted to follow the example of English and Dutch writers defending a successful revolution.⁵³ While Jurieu had allowed for no separation between the sacred and the secular spheres, and where Bayle only conceded very limited individual rights in the area of religious belief, now Barbeyrac identified common moral principles conformable to reason and to scripture that underpinned both the secular order and religious pluralism. A contractual theory involving both political obligation and civil toleration is recognised as harmonious, necessary, and mutually supportive in a way that Bayle and Jurieu could not have admitted.

Jean Barbeyrac was best known in the "Republic of Letters" for his French translations (with copious editorial material) of the major works in the early modern natural law tradition by Grotius, Pufendorf, and Cumberland.⁵⁴ Although often urged to do so, Barbeyrac never produced his own treatment of natural law theory, preferring the more modest role of translator, mediator, critic, and interpreter of the great works of the seventeenth century. Nevertheless, his influence was immense, for it was his translations and interpretations of these works that were read right

⁵³ Barbeyrac himself translated a selection of the sermons of William III's latitudinarian Archbishop Tillotson.

⁵⁴ He also wrote on the morality of gaming, and church history. The best biography of Barbeyrac is still P. Meylan, *Jean Barbeyrac (1674-1744) et les débuts de l'enseignement du droit dans l'ancienne Académie de Lausanne*, although it is weaker on the periods before and after his professorship at Lausanne. The best coverage of his intellectual context is A. Dufour, *Le Mariage dans l'école romande du droit naturel au xviii^e siècle*, pp. 1-35. For the Dutch period of his career there are also useful remarks in C.R. Emery, *The Study of Politica in the Netherlands in the Early Eighteenth Century*, pp. 196-232. See also T.J. Hochstrasser, "Conscience and Reason: the Natural Law Theory of Jean Barbeyrac": some material and arguments from the latter article are reproduced in this section.

across Europe for much of the eighteenth century.⁵⁵ His commentaries and notes were often considered as valuable as the texts themselves, and indeed these various editorial projects can be collated to reveal a discrete contribution to the natural law tradition, in particular on the issues of religious toleration and moral and political obligation, on which topics he often diverged sharply from the Erastian assumptions of Pufendorf.

The distinctiveness of Barbeyrac's work lay in its attempt to reconcile the legitimate sovereignty of the secular power with a strong claim for the authority of individual conscience to determine for itself in the choice and public expression of religious belief.⁵⁶ He did so first by seeking to equate conscience with the dictates of natural reason and then by deploying a version of the sociability thesis that owed rather more to Grotian natural benevolence and to Locke than to Pufendorf's more utilitarian view. An alliance of natural reason with *sociabilité* (his French coinage for the concept) served to reassure the secular power that there was a proper natural legal foundation for both toleration and strong government allowing both to coexist harmoniously within the elaborate contractarian structure of government proposed by Grotius and Pufendorf.⁵⁷ In the sphere of moral obligation he followed Grotius and Bayle in identifying conscience and reason as the same faculty, while still retaining Pufendorf's divine voluntarist account of how God imposed moral terms on the world; in his account of political obligation he replaces Pufendorf's absolutism and state-enforced religious uniformity with a division of the functions of sovereignty between monarch and the representatives of the people that still leaves the

⁵⁵ On the extent of the dissemination of Barbeyrac's editions of Grotius, Pufendorf, and Cumberland see S. Othmer, *Berlin und die Verbreitung des Naturrechts in Europa. Kultur und sozialgeschichtliche Studien zu Jean Barbeyracs Pufendorf-Übersetzungen und einer Analyse seiner Leserschaft*. Barbeyrac's extensive and highly original annotations were often taken over for editions published in languages other than French.

⁵⁶ Barbeyrac's contribution to the development of arguments in favour of religious toleration is fully documented in Zurbuchen, *Naturrecht und Natürliche Religion*, esp. pp. 77-89.

⁵⁷ In his translation of Grotius's *De Jure Belli ac Pacis* he translates the term *societatis custodia* as *sociabilité* [H. Grotius, *Le Droit de la Guerre et de la Paix*, trans. & ed. J. Barbeyrac, (Leiden/Basel, 1759, 2nd edn.), Discours Préliminaire, §8, p. 7]. In his note on this passage he sees no difficulty in applying the term equally to both Grotius and Pufendorf despite the manifest differences in each writer's handling of the concept [note 1, p. 8].

monarch in a strong position.⁵⁸

The many difficulties inherent in such a contrasting view of moral and political obligation were apparent to German writers such as Leibniz and Coccejus, but it was Barbeyrac's doctrines that received the wider circulation through the success of his translations and because the early eighteenth century "Republic of Letters" was to a large extent dominated by Huguenot exiles who shared and indeed still *needed* to share Barbeyrac's understanding of the relationship between monarchical government, the religious practices of its subjects, and the precise circumstances - if any - under which resistance in defence of the rights of conscience could be justified.

For Barbeyrac, therefore, conscience was the seat of moral understanding as much as the location of specifically religious intuitions. Conscience is defined as the capacity to exercise reflective judgement on the conformity of all one's actions to the idea of a law. Barbeyrac presupposed societies to be grounded on stable principles of social coexistence which could always safely concede a residual right to the individual to carve out his own path in the face of religious persecution or political tyranny: there was no risk of a return to a threatening state of nature grounded in anomie.⁵⁹

⁵⁸ For Pufendorf, sovereignty could by its very nature only be unified. In contrast, Barbeyrac argues that the inconveniences stemming from some surrender of absolute sovereignty are outweighed by the safeguards against abuses of power (especially in the form of unnecessary foreign wars) that would follow from placing the power to levy troops and taxes in the hands of the people or their representatives. [See S. Pufendorf, *Les Devoirs de l'homme et du Citoyen tels qu'ils sont prescrits par la loi naturelle*, ed. J. Barbeyrac, (2 vols., Amsterdam, 1735, 5th edn.), II, Book II, ch. 7, §9, note 1, p. 307].

⁵⁹ He distinguishes his position sharply from Pufendorf's, which made no concessions to rights of conscience:

L'Auteur devoit définir la Conscience. C'est une omission considérable. Disons, pour y suppléer, que la CONSCIENCE est le jugement que chacun porte de ses propres actions, comparées avec les idées qu'il a d'une certaine Règle, nommé LOI; en sorte qu'il conclut en lui-même que les premières sont ou ne sont pas conformés aux dernières [Pufendorf, *Les devoirs de l'homme et du citoyen*, I, book I, §5, note 1, p. 4.]

While Rector of the University of Lausanne, Barbeyrac had openly encouraged religious dissidents to assert their rights of conscience by adding a saving clause to the *Formula Consensus*, the orthodox confession of faith that all university teachers had to espouse. This provoked fierce opposition which led ultimately to his moving to a chair at Groningen.

This divergence from the principles of Pufendorf is at its clearest in Barbeyrac's note on Pufendorf's heading, "What a subject ought to do in this case if threatened with Violence on account of his Christian Profession, is not our Business to determine", where he asserts a full right of resistance:

As it cannot be prov'd, neither by the Principles of the Law of Nature, nor by the Holy Scripture, that Sovereigns are vested with a Power to hinder any one from serving God in a peaceable Manner according to the Dictates of his Conscience, it follows from thence that the People have as natural and unquestionable a Right to defend their Religion by Force of Arms, ...as they have to defend, their Lives, their Estates, and their Liberties against the Attempts of a Tyrant. This Right is even more allowable than any other, in as much as it regards the greatest of all Interests, and the strongest of all Obligations, or rather, that which is the Foundation and Source of all others; I mean, the indispensable Necessity that obliges every Man to follow the Light of his own Conscience.⁶⁰

It would appear that it was through reading Locke's *Essay Concerning Human Understanding* and *Letter on Toleration* (in the epitomes provided by Jean Le Clerc in his *Universal and Historical Book Review*) that Barbeyrac arrived at this position.⁶¹ Yet his discussion of the right to resist is not merely copied from Locke: it is also filtered through the monarchomach heritage that remained an integral part of the *Refuge*. Thus he remained adamant that there was no general right of popular resistance, for only the people's representatives - the *pars valentior* - could participate in an act of legitimate rebellion:

When we speak of a Tyrant that may lawfully be dethroned by the People, we do not mean by the *People* the vile Populace or Rabble of the Country, nor the

⁶⁰ S. Pufendorf, *The Law of Nature and of Nations*, ed. J. Barbeyrac, trans. B. Kennett (London, 1749, 5th edn.), book VII, ch. 8, §vi, note 2, p. 719.

⁶¹ Indeed in a note on the same book of Pufendorf's *Law of Nature and of Nations*, he singles out for special praise those sections of the *Letter* that suggest persecution will be ineffective because the seat of religious belief in the conscience cannot be constrained by force [book VII, ch. 4, §xi, note 2, p. 665]. He is also apparently eager to extend Locke's already broad definition of property to include private beliefs: "Mr Locke means by the word *Property*, not only the Right which one has to his Goods and Possessions, but even with respect to his Actions, his Liberty, his Life, his Body; and in a word, all sorts of Right" [J. Barbeyrac, *An historical and critical account of the science of morality* (London, 1749), p. 4 (this was the Preface to Pufendorf's *Law of Nature*)].

Cabal of a small Number of factious Persons; but the greater and more judicious Part of the Subjects of all Ranks in the Kingdom.⁶²

If sovereignty was shared in Barbeyrac's theory, then the group entitled to place restraints on the sovereign nevertheless remains small, limited to those with a major stake in the property of the state.

There is some evidence to suggest that Barbeyrac wanted to make use of Locke's account in the *Essay* of how men gain certainty in morals by comparing their actions with the clear concept of a law that their own minds can frame;⁶³ but in fact his position is different from Locke's because, as we have seen, it is the conscience and not the understanding that frames the clear concept of a law.⁶⁴ This should alert us to the fact that the conscience is being asked to do a great deal more work in Barbeyrac's theory than one would expect in an editor of seventeenth century texts that ground their discussion of moral epistemology much more in a framework of voluntarism and innate ideas than in the faculty of conscience. The stress on the role of conscience in arriving at moral intuitions is much more a legacy of the Huguenot experience, where conscience was crucial in defining one's duties towards God which are always prior to one's social and political obligations. What Labrousse says of Bayle is as true of others who shared Bayle's views on toleration:

According to Bayle, the individual has duties and not rights, and among these duties the first is to be faithful in all his actions to the *dictamen* of his conscience - whether that command may be objectively right or wrong, it is nonetheless for each person the voice of God, who demands obedience; and thus the "rights" of conscience are much less those of the individual than those of the Creator who makes them the basis of his relationship with his creature.⁶⁵

⁶² Pufendorf, *The Law of Nature and of Nations*, book VII, ch. 8, §ix, note 4, p. 720.

⁶³ For example, he recognises that "[i]t is no Part of the Business in Morality to know the *real Essence of Substances*"; rather it is a matter of examining and comparing "with Care and Diligence certain *Relations*, which we conceive between *human Actions* and a certain *Rule*" [*The Law of Nature and Nations*, p. 720].

⁶⁴ See the definition given in note 59, *supra*.

⁶⁵ E. Labrousse, "Le Refuge hollandais. Bayle et Jurieu", p. 89. See also on this issue, E. Labrousse, "Bayle and Jurieu", p. 241, which highlights the significance of Bayle's concept of the "wandering conscience" and distances Bayle and like-minded Huguenots from a "rights-based" account of resistance. In his note on Locke's *Letter* Barbeyrac emphasises that both Locke and Pufendorf (in his *De habitu religionis Christianae ad Vitam Civilem*) are arguing that one's duties to God are anterior to any duties acquired in civil society [see Pufendorf, *Law of Nature*,

It would perhaps seem counter-intuitive to associate Bayle with Barbeyrac on this point given the deep-seated antipathy that is visible in the latter's writings towards the former's philosophical pyrrhonism: Barbeyrac had, after all, identified as one of his chief targets "the last works of M. Bayle, [which] are more dangerous, in my view, than the books of Hobbes and Spinoza".⁶⁶ Moreover, it is certainly true that Bayle's attacks on a rationalist interpretation of scripture and on the possibility of certain moral knowledge placed him at loggerheads with all those in the second generation of the *Refuge* who sought to reconcile reason and revelation. But on the issue of the priority of conscience Barbeyrac remains within the terms of the argument set out in Bayle's *Philosophical Commentary*. This was to have important consequences for his account of moral obligation.

It is significant, for example, that when Barbeyrac considers the implications of those instances in civil life when the law should not pronounce on the morality of conduct and remain silent, he takes the issue of religious toleration as his *locus classicus*.⁶⁷ Such a matter is reserved for the *tribunal de la conscience*, and so long as the public peace is not threatened then the sovereign power in the *forum externum* should not intervene, its silence being taken as neutral, implying neither support for nor disapproval of the beliefs that are tolerated in the *forum internum*.⁶⁸ This approach, which highlights the need to accommodate the legitimate demands of a dissident conscience, separates Barbeyrac from the more optimistic latitudinarian and rationalist arguments adopted by other writers such as Le Clerc, for whom the convergence of reason and revelation upon a minimalist christian creed that all could accept was the main premiss

book VII, ch. 4, §xi, note 2, p. 665].

⁶⁶ "...les derniers Ouvrages de M. Bayle, plus dangereux, à mon avis, que les Livres de Hobbes et Spinoza" [Barbeyrac to Jean Le Clerc, 10 April 1706: Universiteits-Bibliotheek, Amsterdam MS RK C3]. An account of Barbeyrac's intellectual response to Bayle's pyrrhonism is provided in J. Moore, "Natural Law and the Pyrrhonian Controversy", pp. 20-38, and some further points are made in Hochstrasser, "Conscience and Reason", pp. 295-303.

⁶⁷ J. Barbeyrac, *Discours sur la permission des Loix* (Amsterdam, 1726), p. 27.

⁶⁸ The distinction between the two *fora* of law is probably borrowed by Barbeyrac from Thomasius: see A. Dufour, "Die Ecole romande du droit naturel - ihre deutschen Wurzelen", p. 137. However, Zurbuchen argues for Gerard Noodt as the derivation: see Zurbuchen, *Naturrecht und Natürliche Religion*, p. 141.

governing state action in the religious sphere.⁶⁹

The full implications of taking conscience and its duties as the touchstone of moral certainty are revealed in Barbeyrac's response to Leibniz's critique of Pufendorf's natural law theory, which he published as an appendix to his translation of the epitome of Pufendorf's natural law doctrine, *The duties of man and the Citizen, such as they are prescribed by natural law* (1718).⁷⁰ One of the puzzling aspects of this essay is his inability to engage with Leibniz's arguments against divine voluntarism.

In his original *Opinion on the Principles of Pufendorf* (1706), Leibniz argued that the nature of God's justice lies not in the free action of His will, but in eternal truths that are the object of divine understanding established as such by God's divine essence. He criticises Pufendorf for basing his theory of moral obligation entirely on God's will, which renders God's relation to men akin to that of a Hobbesian sovereign to his subjects: "it is not enough, indeed, that we be subject to God just as we would obey a tyrant; nor must he be only feared because of his greatness, but also loved because of his goodness: which right reason teaches, no less than the Scriptures".⁷¹

Barbeyrac responds to this position impatiently, pointing out that divine voluntarism is indeed the basic principle of Pufendorf's whole work;⁷² whereas reason considered in its own right cannot be considered the basis

⁶⁹ For Le Clerc, reason and revelation gave each other such strong mutual support that any reasonable man could be brought to recognise the pointlessness of all religious disputation, let alone persecution:

La raison et la révélation sont pour ainsi dire deux filles du Ciel qui ne se querellent jamais l'une et l'autre, et si l'on voit, comme il semble, le contraire dans la théologie scholastique, c'est que ce qu'on nomme raison ou révélation ne sont souvent que des fantômes qu'on a substitués en leur place. [J. Le Clerc, quoted in P. Monod, *De Pascal à Chateaubriand*, p. 158].

⁷⁰ This appendix bears the title, *Jugement de M.de LEIBNITZ sur l'original de cet Abrégé avec des reflexions du Traducteur, qui serviront à éclaircir quelques principes de l'Auteur*.

⁷¹ G.W. Leibniz, "Opinion on the Principles of Pufendorf (1706)", in *Leibniz: Political Writings*, ed. & trans. P. Riley, p. 72.

⁷² "On droit que ce n'est presque que par hazard & sans dessein, que nôtre Auteur parle de DIEU comme du Maître Souverain de tous les Hommes. Mais ce n'est pas là un principe qui fait le grand fondement de tout son Système?" [Pufendorf, *Les Devoirs de l'homme et du Citoyen*, II, "Jugement de M de LEIBNITZ sur l'original de cet Abrégé etc...", p. 412].

of obligation because of the interference of the passions.⁷³ And even if we can generally be relied on to follow what appears to us to be in our best interests, there is no obligation upon us to do so: ultimately no one can impose on himself an obligation to act or not to act in a particular fashion, for our reason *is* ourselves:

I conclude that even the maxims of reason carry no obligation... The question now is to see whence obligation does derive - if it is the will of God or another of His attributes.. It seems to me that there is not much cause for hesitation on this point. For from the moment that we have an accurate concept of God, we can only acknowledge His right to set such limits as He deems appropriate to the faculties which He has given to us... Besides, we find in His will all that is necessary to establish obligation, as it is the will of the master of all mankind, and a will always in conformity with the perfections of the divine nature. So why search for another principle than that one which is accessible to everyone, and which follows so naturally from the relationship between the Creator and his creature?⁷⁴

Thus Barbeyrac finds himself ensnared in a number of apparent confusions and contradictions: on the one hand he wishes to defend the authority of the moral intuitions of reason and conscience against pyrrhonism; but on the other hand, as Zurbuchen has demonstrated, his system also has need of a God who is a superior with the right to command and define moral obligation by His will, for that is the only way of disallowing the participation of atheists as full and equal members of society.⁷⁵ Barbeyrac's only remaining scope for manoeuvre is in allowing people to discover their own ideas of the ways God exercises that superiority over them. As formulated by Moore, his position is that "toleration of different

⁷³ Pufendorf, *Les Devoirs de l'homme et du Citoyen*, pp. 415-6.

⁷⁴ "Je conclus, que les maximes même de la Raison, n'ont pas d'*obligatoire*... La question est maintenant de voir, d'où vient alors l'*Obligation*? si c'est de la Volonté de DIEU, ou de quelque autre chose qui soit en lui?..

Il me semble qu'il n'y a pas beaucoup à hésiter là-dessus. Car du moment que l'on a une juste idée de DIEU, on ne peut que reconnoître le droit qu'il a de mettre telles bornes que bon lui semble aux Facultez qu'il nous a données... On trouve d'ailleurs dans sa *Volonté* tout ce qu'il faut pour fonder l'*Obligation*, puis que c'est la Volonté du Maître de tous les Hommes, & une Volonté toujours d'accord avec toutes les perfections de la Nature Divine. Pourquoi donc chercher quelque autre principe, que celui-là, qui est à la portée de tout le monde, & qui suit si naturellement de la relation entre le *Créateur* & la *Créature*?" [Pufendorf, *Les Devoirs de l'homme et du Citoyen*, pp. 417-8.]

⁷⁵ See Zurbuchen, *Naturrecht und Natürliche Religion*, pp. 125-39.

beliefs would be achieved only when there was universal acknowledgement of the natural rights of all believers to work up their own rational understandings of God's providence".⁷⁶

But it must be admitted that he nevertheless fails on three counts to develop the links between his sophisticated handling of the relationship between conscience and reason and his theories of moral and political obligation. Firstly, he cannot explain why an explicit commitment to individual rights of conscience does not eventuate in a comprehensive right to religious toleration; secondly, the rationalism of his theory of conscience sits uneasily alongside his commitment to Pufendorf's divine voluntarism; and finally, this same voluntarist theory of how and why we should obey natural law remains unassimilated to his parallel contractarian analysis of political sovereignty. The tensions within his ideological inheritance are such that ultimately the coherence of his political theory suffers. Emery is surely correct to conclude that "...although his concern for moral good tends to be expressed in terms of political liberty, one cannot sometimes escape from the feeling that Barbeyrac the political theorist fails to meet the challenges laid down by Barbeyrac the moralist".⁷⁷

6. *From Barbeyrac to Burlamaqui*

When Rousseau remarked in the *Social Contract* on the ultimate conservatism of Barbeyrac's views, he revealed not only the extent to which the complexities of Barbeyrac's position on resistance were no longer appreciated, but also the degree to which the Huguenot context of Barbeyrac's writings had been lost by the middle of the eighteenth century.⁷⁸ One indication of the distance travelled is given in the writings of Barbeyrac's younger contemporary, Jean-Jacques Burlamaqui, whose recognisably liberal theory of the state still registers the impact of the Huguenot debate over toleration on natural law theory, while disguising most of its sources and

⁷⁶ Moore, "Natural Law and the Pyrrhonian Controversy", p. 23. Of course, Pufendorf's support for voluntarism as the basis of moral and political obligation is grounded on rather different premisses from those of Barbeyrac: his argument is essentially a *linguistic* one, starting from the observation that the affixing of all names on things is in essence a matter of imposition by the will. [See Pufendorf, *The Law of Nature and Nations*, book I, ch. I, §iv, pp. 3-4.]

⁷⁷ Emery, *The Study of Politica in the Netherlands*, p. 198.

⁷⁸ See Rousseau, *The Social Contract and Discourses*, book II, ch. 2, p. 202.

antecedents.

Although he was not part of the diaspora since his family had left Tuscany for Geneva at the end of the sixteenth century, Burlamaqui's professorship in natural and civil law at Geneva involved him in a close engagement with the writings of Pufendorf and Grotius and brought him into contact with Barbeyrac.⁷⁹ He left behind him two works, *Principles of Natural Law* (1747) and *Principles of Civil Law* [*Principes du droit politique*] (1751), both derived from his lectures, which are chiefly an exposition of the ideas of the "modern natural" law tradition, although they culminate in an elaborate account of how sovereignty should be divided and balanced within a state which owes something to Montesquieu and perhaps more to his own experience in the Genevan patriciate.

In general terms, Burlamaqui follows Barbeyrac in mitigating the harsher aspects of Pufendorf's theory with recourse to Grotius and Locke; but he also adds elements of Wolffian natural law theory and reduces the amount of erudite supporting evidence with which the earlier authors had buttressed their arguments.⁸⁰ He follows Pufendorf and Barbeyrac in still upholding the residual right of the sovereign to define and control the content of natural religion, but believes he can avert any authoritarian dangers implicit in this concession by building provisos around his concept of sovereignty that guarantee the rights of subjects.⁸¹ Rights of conscience

⁷⁹ The standard work on Burlamaqui is still B. Gagnebin, *Burlamaqui et le Droit naturel*. There are also relevant discussions in R. Derathé, *Jean-Jacques Rousseau et la Science Politique de son Temps*, esp. pp. 84-9 & 287-90; on the nexus between toleration and political obligation in Burlamaqui, see Zurbuchen, *Naturrecht und Natürliche Religion*, esp. pp. 110-14.

⁸⁰ An example of this mitigation is given in his account of the origins of civil society which is drawn directly from Grotius's account of human sociability:

Mais direz-vous, l'Ecriture elle-même ne dit-elle pas que toute personne doit être soumise aux Puissances souveraines, parce qu'elles sont établies de Dieu? Je réponds avec GROTIUS, que les hommes ont établi des Sociétés Civiles, non en conséquence d'un ordre de Dieu, mais de leur propre mouvement, y étant portés par l'expérience qu'ils avoient faite de l'impuissance où étoient les familles séparées, de se bien mettre à couvert des insultes & de la violence d'autrui [*Principes du Droit politique* (Geneva, 1751), première partie, ch. vi, §xvi, p. 57].

⁸¹ For example, he follows Pufendorf in identifying the origins of the state in two agreements and a decree, which provides a mechanism for popular sovereignty to be reclaimed in the event of the sovereign breaking the terms of his undertakings [*Principes du Droit politique*, première partie, ch. vi, §vi-xiv, pp. 52-6]. He also maintains that no grant of sovereignty can in any case be absolute, as the people

continue to play an important part in the development of the argument in the form of a denial of the validity of voluntary slavery: "No one can strip himself of his freedom to the extent of submitting to an arbitrary power who treats him entirely at his own whim: this would be to give up his own life of which he is not the master; this would be to give up his duty, which is never allowed".⁸² Just as it was not possible for a Huguenot to submit his conscience - which is God's - to arbitrary despotism, so by extension no aspect of personal liberty could be so dispensed. Locke's arguments forcefully addressed the very dilemma the Huguenots had faced and helped them thereby to frame a response of a kind to the voluntarism of Grotius, Hobbes and Pufendorf. An argument that had begun in Bayle as a specific observation of the boundaries between the secular and sacred is now elaborated to include a full statement of the rights possessed by individuals. From here it is a relatively short distance to the liberal theory of the state proposed in the later sections of the *Principles of Civil Law*, which set out a set of fundamental laws defining the contractual basis of sovereignty and the types of limited monarchy and elective aristocracy that Burlamaqui regards as the preferable outcomes for large and small state forms respectively.

Such a political theory seems almost "modern" in its relativism and easy assumption of a contractarian basis to obligation; but it is still rooted as much in the Huguenot appeal to conscience as in a Lockean account of rights: rights of conscience - as Bayle above all insisted - are not the property of individuals, but of God, even though human reason enforces the powers of initiative given to conscience. For a man to act against his conscience is for him to act against God, and it is God who suffers abuse when anyone knowingly submits to actions that are evil. Ultimately, as Pierre Rétat has noted, the uneasy relationship in Huguenot ethical and

can only grant sovereignty on the assumption that *le bien public* remains the prime consideration of the absolute sovereign [ch. vii, §xix, p. 70].

⁸² "Personne ne peut se dépouiller de sa liberté jusqu'à se soumettre à une puissance arbitraire, qui le traite absolument à sa fantaisie; ce seroit renoncer à sa propre vie, dont il n'est pas le maître; ce seroit renoncer à son devoir, ce qui n'est jamais permis" [ch. vii, §xxiii. p. 71]. This section is directly derived from Barbeyrac's similar note on Pufendorf's *De Jure Naturae et Gentium*, Book VII, ch.8, §6 note 2, which itself is drawing on Locke's *Two Treatises*. This borrowing illustrates in a very precise sense how useful Locke's accounts of property and the right to resist were to the Huguenots, who are in large measure responsible for the emphasis accorded to these aspects in the continental reception of his thought.

political theory between the roles of reason and divine will can be traced back to their Janus-faced doctrine of conscience.⁸³ While conscience provides a sufficient basis for political action, it nevertheless remains - even for Barbeyrac and Burlamaqui - a faculty endowed and characterised as much by God as by man. The outlines of this complex, even fraught combination become more clearly perspicuous once one juxtaposes the views of Bayle and Jurieu with those of their successors in the *Refuge* who addressed the issues of toleration, obligation, and resistance.

7. Conclusion

The ultimate goal of this essay has been to highlight the contribution of Huguenot political theory to the formation of ideas on toleration and moral and political obligation in the early eighteenth century Enlightenment. As we have seen, the Huguenot achievement was important not simply for the ways in which the ideas of Locke and Pufendorf were mediated outside England and Germany, but also in itself for the impetus given to the development of a rational, latitudinarian theology and an account of sovereignty that sought to reserve social space for the exercise of dissident religious beliefs. Nor did this contribution conclude with the generation of Barbeyrac and Burlamaqui. Huguenots imbued with the same characteristic convictions, such as Louis de Jaucourt and Samuel Formey, were to play an important part in the dissemination of the ideas of the French and German Enlightenment.⁸⁴ And within the Netherlands itself the Huguenot publisher and publicist Elie Luzac worked to assimilate the natural law theory of Christian Wolff to the *science des mœurs* established by Barbeyrac as a way of combating the spread of the perceived materialism,

⁸³ P. Rétat, *Le Dictionnaire de Bayle et la lutte philosophique au xviii^e siècle*, p. 42.

⁸⁴ For Jaucourt's work on the *Encyclopédie*, see the article by Zurbuchen in this collection. For Formey's work as a journalist and as Secretary to the Berlin Academy of Sciences, see the notice by Ann Thomson in J. Sgard, ed., *Dictionnaire des journalistes*, Supplément I, pp. 73-79. For his role as translator and editor of Christian Wolff for a French audience, see Sonia Carboncini, "Christian Wolff in Frankreich. Zum Verhältnis von französischer und deutscher Aufklärung", pp. 114-28.

scepticism, and atheism of the *philosophes*.⁸⁵ In fact it may be fair to say that the writers of the *Refuge* contributed as much to the success of the official moderate Enlightenment as their network of contacts in the world of publishing did for the spread of banned books and subversive pamphlets.⁸⁶

Historians are becoming less interested in the national or provincial contexts of Enlightenment and more concerned to redefine the dialectical relationship between the cosmopolitanism and patriotic affinities of writers, publishers and intellectuals. The Huguenots of the *Refuge*, it may be argued, present a case study of this relationship given the real tensions in their experience both in reworking a sense of national identity - whether French or in their host country - and also in creating and preserving an international network of religious and intellectual contacts which were often regarded as subversive by contemporary governments. As the decades passed and the hope of a return to France faded, many of the exiles preferred to resolve the tensions by seeking to gain full, respectable assimilation into the citizen bodies of England, Prussia, and the Netherlands. Yet those who taught in universities or were engaged in publishing still sought to preserve alongside their new national identities a sense of the European dimensions of the work in which they were involved. For example, Barbeyrac and Burlamaqui in the area of natural law theory retained a sense of the wider intellectual society and audience which they were addressing. By directing their mature reflections on moral and political obligation and toleration to such an audience they ensured that ethical doctrines derived from a specifically Huguenot reading of natural law theory gained a wider dissemination and significance than would otherwise have been the case. The experience of persecution and exile involving writers from a uniformly absolutist background offered a profoundly traumatic and exacting opportunity to reexamine the inextric-

⁸⁵ For Luzac, see W.R.E. Velema, *Enlightenment and Conservatism in the Dutch Republic. The Political Thought of Elie Luzac 1721-96*, esp. pp. 28-30 for the argument that "...developments in France remained their [i.e. for the *Refuge*] most important point of reference".

⁸⁶ Contrast the views in M. Jacob, *The Radical Enlightenment: Pantheists, Freemasons and Republicans*, for whom the Huguenots are above all the agents of underground Enlightenment, and W.R. Ward, *The Protestant Evangelical Awakening*, who devotes hardly any space to the diaspora. Ward's omission is all the more startling in a book that considers real or perceived attempts at state assimilation as a main cause of Protestant revival.

ably linked issues of toleration and obligation. The results of this engagement not only gave a decisive steer to the later development of natural law theory in Europe after Pufendorf, but also ensured through the supple media of communication at its disposal that at a time when natural law theory seemed fast to be becoming a German preserve it remained a significant aspect of enlightened cosmopolitan reflection on ethics and politics.

CHAPTER TWO

NATURAL LAW AND EARLY ECONOMIC THOUGHT IN BARBEYRAC, BURLAMAQUI, AND VATTEL

Daniel Brühlmeier, St. Gallen

Very little has been written about the roots of modern economic thought in early modern natural law, and almost nothing has been written about the economic thought of the Huguenots of the *Refuge*. These are major lacunae in our understanding of the history of political economy because, as we shall see, the work of one Huguenot refugee, Jean Barbeyrac, was at the root of the whole school of Protestant francophone natural law. In this study we will trace the development of a surprisingly modern economic theory in Barbeyrac and his two great successors in the francophone natural law tradition, Jean Jacques Burlamaqui and Emer de Vattel. These three represent successive generations and quite different personal destinies in eighteenth century Switzerland, although they shared the Protestant confession. Each of them contributed significant elements to modern economic thought.

All three were great authors in the natural law tradition, and while the notion of a single tradition and of "great authors" is of course questionable,¹ it may constitute a useful tool here because their great works became classic textbooks. Textbooks are usually more widely used and they often reflect a more common way of thinking than outstanding masterpieces.² They are thus relevant both for the institutional history as well as for the intellectual aspects of natural law thought. It cannot, however, be the purpose of this contribution to give a comprehensive account of these authors and their works: our focus is mainly on the development of economic discourse in their works.

¹ See H. Bödeker, "Von der 'Magd der Theologie' zur 'Leitwissenschaft'", pp. 19ff.

² More details on institutional matters have been given in my paper on "Teaching Philosophy in Eighteenth Century Switzerland", presented to the seminar on "Teaching Philosophy in the Eighteenth Century" at the Werner-Reimers-Stiftung, Bad Homburg, December 16-18, 1993.

1. *Barbeyrac: Pufendorf's translator and commentator*

Jean Barbeyrac was born in 1674 and became a Huguenot refugee from his native town of Béziers after the Revocation of the Edict of Nantes in 1685. His family came to Lausanne along with 1500 French refugees.³ They were familiar with Switzerland because Jean's father had studied theology in Geneva in the 1640s. At the age of fourteen, the son entered the College in Lausanne and had private classes with Jean-Pierre de Crousaz on Pufendorf;⁴ then he went to Geneva, Berlin, and Frankfurt an der Oder, where he may have attended classes with Heinrich v. Cocceji. His return to Lausanne in 1710 marked the beginning of a specifically Protestant French-speaking natural law tradition, originating outside of France and, naturally, less Catholic than Domat's natural law. Alienated by orthodox Calvinists, he left Lausanne in 1717 and accepted a chair at the University of Groningen in the Netherlands.

Samuel von Pufendorf was the dominant authority in natural law teaching in this period in Protestant Europe, in particular through his *On the Duty of Man and Citizen* (1673).⁵ His importance in western academic culture is perhaps only overshadowed by the other great classic to which his work should also be compared, Cicero's *De officiis*. Barbeyrac became Pufendorf's most famous and most widely used translator: the reception of Pufendorf in large parts of Europe occurred through Barbeyrac's annotated translations.⁶ In what follows, I shall base my analysis mainly on the French translation of *On the Duty of Man and Citizen*, entitled *Les Devoirs de l'homme et du citoyen* (1707); this also allows me to present Barbeyrac's achievement as at least in part a Swiss contribution to natural law teaching and to the rise of economic discourse.

Pufendorf's treatise, it must be acknowledged from the outset, is in itself

³ For the historical conditions of the Huguenots' arrival in the old Swiss Confederation, see Rémy Scheurer, "Durchgang, Aufnahme und Integration der Hugenottenflüchtlinge in der Schweiz" in R. von Thadden and M. Magdelaine, eds., *Die Hugenotten*, pp. 38-54. It appears that Lausanne was, along with Neuchâtel, the most hospitable town in Switzerland. During the eighteenth century, Huguenots made up at least 25% of the population of the town.

⁴ P. Meylan, *Jean Barbeyrac (1674-1744) et les débuts de l'enseignement du droit*, p. 39.

⁵ *De officio hominis et civis*. See the recent English translation by M. Silverthorne, edited by J. Tully, *On the Duty of Man and Citizen*.

⁶ See, for example, S. Zurbuchen, *Naturrecht und natürliche Religion*, and S. Othmer, *Berlin und die Verbreitung des Naturrechts in Europa*.

a work which can hardly be overrated in its importance for the development of economic theory. This is not only due to its widespread use, but also to inherent qualities of the text. Indeed, one can hardly imagine, before Adam Smith's *Wealth of Nations*, a text more appropriate for giving successive generations the cultural and psychological preparation for a modern economic understanding of the world and of human activity in it. From the outset, *Les Devoirs* is a treatise on rational choice, that is, on the maximizing or optimizing use of the two central faculties of man, understanding and will, with a view to guiding our choices and our behavior today and with respect to the future.⁷ Culturally, the most important general move is probably the one which is at the core of the notion of law in general, and of *loi naturelle* [natural law] in particular (I.2 & 3). First of all, man is a self-interested animal, summarized by Pufendorf's concept of *amour propre* [self-love].⁸ This is confirmed by the beginning of I.5 where Pufendorf determines the duties that each man has to himself; in this chapter he also postulates the full liberty, even the duty, to accumulate *biens ou richesses* [goods or wealth]. But at the same time, and in a dramatic juxtaposition, man is a social animal, completely destitute and incapable of living on his own. From the very start of his life on earth, he cannot be without *secours mutuel* [mutual aid]. The remaining chapters of

⁷ See I.1.iii: "Souvent aussi, malgré la présence d'un objet capable de faire sur lui quelques impressions, il a la force de suspendre ses mouvements; & de plusieurs objets qui se présentent en même tems, il en choisit un, & rejette tout les autres" [note that original spelling and punctuation are respected here and in the rest of this essay]. A sketch of this is already found in Grotius, *De iure belli ac pacis*, Introduction, section 9. What is portrayed here is insufficiently rendered by labelling it "instrumental rationality".

That this message did not fail to get through is illustrated by a piece in the *Journal Helvétique* of August, 1762: an "Essai sur l'Oeconomie Universelle ou l'Arithmétique du Bonheur", in which a young boy, in his speech at the public promotion ceremony of the College of Neuchâtel, understands human life and its most important categories (pleasures, health, money, and time) in terms of a "general economy", a "moral calculus" mainly based on such a rational choice axiom.

Some politicians, for example Kaunitz, saw the study of international relations as a matter of "political algebra", where decision-making could now be done on the basis of predictable rational choice. See G. Klingenstein, *Der Aufstieg des Hauses Kaunitz*, part II, esp. pp. 170-171 (I owe this reference to T. Hochstrasser).

⁸ I.3.ii: "Je remarque d'abord, que l'Homme... s'aime extrêmement lui-même, tâche de se conserver par toutes sortes de voies, recherche ce qu'il croit bon, & fuit au contraire ce qui lui paroît mauvais".

the first book of *Les Devoirs* are in fact nothing else than a statement of the different and ingeniously articulated *devoirs mutuels des Hommes* [mutual duties of men].⁹ Some of these call for closer attention, but let us state that, conceptually, natural laws are identical with laws of sociability (I.3.viii). At the same time, laws in general must have utility: Pufendorf clearly subscribes to rule-utilitarianism.¹⁰ However, and this is the source of many misunderstandings and difficulties, this is a rule-utilitarianism which is combined with a divine and absolute creation and legitimation of the law (I.3.x).¹¹

This view generates an astonishingly proto-classical-economic understanding of human life and human institutions. Sciences are classified either as useful, as based on curiosity, or as futile (I.5.ix). Some normative propositions have economic implications: for instance the second absolute *devoir mutuel* [mutual duty], respect for other persons as naturally equal, requires a certain community of goods. Therefore, we have to distribute divisible common goods equally. Further demands include: the general, non-exclusive provision of public goods (*choses en commun [et] pas susceptible de division*), and the successive and impartial provision of a common good that cannot be divided, but must be possessed in common without being divided (*choses en commun par indivis*), with eventual

⁹ There is a summary of the natural law chapter, and indeed of the whole natural law doctrine, at a crucial stage of Pufendorf's argument, I.3.vii: "L'Homme étant donc, comme nous venons de le faire voir, un Animal très-affectionné de sa propre conservation, pauvre néanmoins & indigent de lui-même, hors d'état de se conserver sans le secours de ses semblables, très-capable de leur faire du bien & d'en recevoir; mais d'un autre côté, malicieux, insolent, facile à irriter, prompt à nuire, & armé pour cet effet de forces suffisantes: il ne sauroit subsister, ni jouir des biens qui conviennent à l'état où il se trouve, s'il n'est *sociable*, c'est-à-dire, s'il ne veut vivre en bonne union avec ses semblables, & se conduire envers eux de telle manière, qu'il ne leur donne aucun sujet apparent de penser à lui faire du mal, mais plutôt qu'il les engage à maintenir ou à avancer même ses intérêts".

¹⁰ "Les choses que l'on prescrit par quelque Loi, doivent... encore *apporter quelque utilité* ou à [ceux à qui la Loi est imposée], ou à d'autres" (I.2.viii). That he is not an act-utilitarian is clearly shown in the formal criticism of the unjust man in I.2.xii ("mesurer la Justice non aux Règles du Devoir, mais uniquement à l'utilité qu'il en retire").

¹¹ For another attempt to fit Pufendorf and the natural law tradition into such modern categories, see René Sève, *Leibniz et l'Ecole moderne du droit naturel*. This book is particularly good on Pufendorf (for a general appreciation, see my review in *Zeitschrift für philosophische Forschung*, 1991, vol. 45, pp. 451ff.), perhaps less so on Burlamaqui and Vattel (treated much too briefly).

compensation for the non-users (I.7.iv).¹² Based on the third *devoir mutuel*, we have to accept that our social conduct has necessary positive spill-overs for the rest of mankind: we are obliged to improve our talents and faculties, but we cannot claim to be rewarded for all we do (I.8.ii).

Conditional mutual duties (*devoirs mutuels conditionnels*) are duties arising out of common agreements or out of essentially human institutions, aimed at increasing the frequency and stability of human interactions.¹³ They are first exemplified in the use of language, where we necessarily pursue both self-interested and social objectives.¹⁴ But the legally and economically most important institution is probably property, which, from the common possession of all goods by all men in the state of nature, arose out of the multiplication of the species and the cultivation of goods (I.12.ii); thus we have in this chapter a brief treatise on private property.¹⁵ *Prima facie*, there are still many goods in common possession, eventually acquired by first possession: Beasts, birds, fishes, lakes, pearls, etc. (I.12.vi).

At the core of the economic ideas and implications of *Les Devoirs* is a price theory (I.14). Prices are one of those human institutions that give rise to further corresponding *devoirs mutuels*, i.e., to a contract theory (I.15). In the course of human transactions, a kind of *quantité morale* [moral quantity] has to be attached by human convention to goods and services, usually called "price". Pufendorf distinguishes an intrinsic price (*prix propre ou intrinsèque*) and a virtual or monetary price (*prix virtuel ou éminent*) (I.14.ii). The "interior foundation" of the first lies in the "aptitude of the things or services to contribute, mediately or immediately, to the

¹² Unfortunately, no examples are provided, either by Pufendorf or Barbeyrac. It would, of course, be of great interest to know what illustrations natural law teachers used in their classrooms. What we have here appears to include things like communal cattle grounds (*Allmende*) for the first set of cases; classic public goods like national security for the second sort of cases; and I cannot think of examples that fit the third sort of cases.

¹³ See I.9.ii: "pour rendre donc plus fréquent, & en même tems plus régulier, ce commerce de services qui fait le lien & l'agrément de la Société...".

¹⁴ I.10.v: "l'usage de la Parole aiant été établi pour nôtre propre avantage, aussi bien que pour celui d'autrui".

¹⁵ These (and Burlamaqui's) considerations should be compared to those of others, for instance Smith or Hume. See my *Die Rechts- und Staatslehre von Adam Smith*, chapter IV, and my "Hume and Smith on Property". Much useful material is now to be found in K. Haakonssen's masterful commentary in T. Reid, *Practical Ethics* and in S. Buckle, *Natural Law and the Theory of Property*.

necessities, advantages, or pleasures of life" (I.14.iii).¹⁶ (However, some very useful goods and services are without price, i.e., not negotiable.) The rise and fall of prices is, on the whole, a function of several variables. We find successively: scarcity joined to the general demand for a good,¹⁷ human investment, certain characteristics of the good provided or of the person who gives a service, and emotional value attached by the purchaser (I.14.iv.). At a later stage, after having divided the intrinsic price again into a fixed price (*prix légitime*) and a free market price (*prix commun, ou prix courant*),¹⁸ Pufendorf adds some laws (sic!) regarding the latter. We recognize here two very modern analytical notions: transaction costs (transport, stockage, etc., as well as the manner of payment) and the quantity of money (*la quantité d' Argent*). The introduction of monetary prices, and indeed of money at all, is seen as a consequence of the rising number of exchanges and of the expansion of human needs and wishes;¹⁹ thus it became necessary to introduce a measure of value and a means of exchange by a general convention, i.e. money (usually precious metals).²⁰

¹⁶ T. Hutchison comments: "for Pufendorf, the 'foundation' of price is to be found not on the cost of production or labour side, but in the 'aptitude' (or utility). Moreover, as subsequently in neo-classical analysis, the prices of 'actions', or services, were derived from the same foundation (i.e. 'aptitude') as goods themselves" (*Before Adam Smith*, p. 97 [regarding Pufendorf's *De jure naturae et gentium*, but the two texts are very similar on this point]). Hutchison adds that in his early *Elementorum jurisprudentiae universalis* (1660), Pufendorf was even more explicit on the subjective component of the concept of use (p. 98).

¹⁷ "A l'égard des choses qui sont d'un usage ordinaire & continuel, c'est le besoin ou la nécessité, jointe à la rareté, qui en augmente le plus le prix" (I.14.iv).

¹⁸ I.14.v. It is difficult to see why Pufendorf introduces here this (in itself quite interesting) distinction between prices regulated "par l'ordonnance du magistrat, & par les Loix" (he mentions maximum prices "en faveur des acheteurs", and the maximum a worker can demand for his labor) and prices regulated "par l'estimation commune des Particuliers, accompagnée du consentement mutuel des Contractans". In his other work, translated by Barbeyrac as *Droit de la nature et des gens* (hereafter cited as DNG), Pufendorf observes that the fixed price should be in conformity with "justice and equity", but that this is often not the case and that there may be misuse by the sovereign (V.1.viii; cf. *infra* for Burlamaqui).

¹⁹ I.14.vii: "Or comme la Curiosité, le Luxe, la Sensualité, & les autres passions, multiplioient de jour en jour à l'infini les besoins ou plutôt les desirs des Hommes..."

²⁰ This is for classical reasons; see I.14.viii. Pufendorf also adds some considerations on monetary policy of the sovereign (I.14.ix; more extensive and analytical in DNG, V.1.xiv & xv). Other considerations on the duties of the sovereign in matters of political economy are to be found in *Les devoirs* II.11:

Now it is of course interesting to note how Barbeyrac handles these passages by Pufendorf. In the "Avertissement" to his translation, he declared his intention to give examples, explanations, and rectifications in his footnotes to the translated text of Pufendorf (pp. xviii ff.). It was as thus mediated and explained that Pufendorf was diffused throughout eighteenth century Europe. The following examples indicate how Barbeyrac quite clearly emphasized the economic dimension of Pufendorf's treatise. For instance:

- In a very important commentary and indeed in a strong criticism of Pufendorf on conscience, Barbeyrac mentions *negoce* [business or trade] at the very beginning of his commentary on Pufendorf's theory of choice (p. 5, n. 1), as a field where moral deviation is easy and widespread if human action is not guided by "clear principles".
- He stresses the concept of individual *bonheur* [happiness or welfare] in a passage of Pufendorf which is already centred on self-interest (p. 92), as well as the concept of freedom of individual choice. Determinism, introduced as an argument from the impossible, would be *un mystère, que les Hommes ne devoient pas savoir: il faudroit toujours qu'ils se crussent libres* ["a mystery that men should never be aware of: it is always necessary that they believe themselves free" (p. 95n.)].
- Whenever he can, he emphasizes the utility argument. For instance, in the tragic case of having to sacrifice a man in a lifeboat: besides the quite astonishing and noteworthy argument from private property - *celui à qui appartient la Chaloupe n'en doit point être chassé & n'est point obligé de tirer au sort* ["the owner of the boat should not be thrown out, and is never obliged to draw lots for such purposes"] -, the other decisive argument mentioned is the amount by which one is more *utile à la Société* ["useful to society"] than another, implying a preference for the Prince over any of his subjects, for instance (p. 129n.). Moreover, in case of a conflict between self-regarding duties and social ones, preference has to be given in accordance with the principle of utility.²¹
- His discussion of scarcity sometimes reminds us of the image of a dwarf struggling on the shoulder of a giant: he quickly reproaches Pufendorf's discussion of prices for not giving sufficient attention to the character of utility and scarcity in a peculiar sense: things capable of having a price

taxes (x), social policies (xi).

²¹ DNG, II.2.xv (quoted by Gagnebin, *Burlamaqui et le droit naturel*, p. 22).

should be of such a nature *qu'elles ne suffisent pas au besoin de tout le monde*. Plus une chose est *utile* ou *rare* en ce sens-là, & plus son *prix propre & intrinsèque* (p. 234, n. 1; Barbeyrac's own italics). And when Pufendorf comes quite logically to scarcity three pages later, he is criticized for applying it wrongly in a peculiar case, namely objects of art (p. 237, n. 1).

Perhaps Barbeyrac is offering a genuinely original achievement in trying to say that in general all the particular circumstances advanced by Pufendorf could be comprehended under the more analytical concept of scarcity, and the related concept of elasticity. He at least continues by saying: "And one could say in general that all of the circumstances which augment the price have the virtue that they make something that was more common less common, by one means or another".²²

- In the case of Pufendorf's remark on the priceless character of certain goods and services, Barbeyrac rectifies him by saying that, speaking properly, *il n'y a rien qui ne puisse être mis à prix* [there is nothing for which a price cannot be found], i.e., that all is in fact negotiable by common agreement, but that utility on the one hand (in the instances of stars or the Ocean) and morality on the other defend some goods and services from being bought and sold. In the later case, the price may well be as real (*réel*) as any other price, but it is a dishonest one (*prix deshonnête*) (p. 234, n. 2).

So far Barbeyrac's commentaries on Pufendorf. One of his few own works is on games: the *Traité du jeu* [*Tract on games*] (1709). This is an elegant treatise - indeed "quelque chose de plus agréable et de plus considérable" than his translations²³ - , showing remarkable qualities for a writer who is sometimes regarded as a footnote-warrior. There are interesting considerations and a quite liberal approach to games; it is not, however,

²² "Et on peut dire en général, que toutes les circonstances qui augmentent le prix, n'ont cette vertu, qu'à cause qu'elles font d'une manière ou d'une autre que ce qui étoit plus commun le devient moins". There is no comparable critical commentary in Barbeyrac's translation of DNG where scarcity is more prominent (V.I.vi) and its function indeed illustrated by quite interesting considerations of economic psychology.

²³ Barbeyrac cited by Meylan, *Jean Barbeyrac*, p. 66.

in any way a precursor of modern economic game-theory.²⁴

2. Burlamaqui: Patrician elegance

Burlamaqui descended from a Protestant family which left Lucca in Tuscany at the end of the sixteenth century, and settled in Geneva in 1591. His family had already played an important political role in Lucca; in Geneva, they joined the Council of the Two Hundred in 1633, an executive organ of the complex city government of Geneva²⁵ which would play an important role in one phase of Burlamaqui's life, namely during the troubles of 1734 to 1738. As a member of the Council of the Sixty, he was one of the leading figures who submitted a *Raport des Commissaires des Conseil de la Republique sur [l]es Representations* of 1734. This was a response to a report justifying more widespread rights to decide on taxes and on building fortifications around the city. However, after the denial of these rights by the *Raport* and the Two Hundred, the people took to arms (the famous *affaire du tamponnement*). Since the city had become unsafe for members of the aristocracy, Burlamaqui went to Germany as a tutor.²⁶

Burlamaqui's grandfather Fabrice held a ministry in the Italian Church of Geneva, and later in the French Church of Leiden. His father, Jean-

²⁴ Much nearer to this is a treatise by a law professor in Basel, Nikolaus Bernoulli, *De usu artis conjectandi in iure* (cf. A. Stachelin, *Geschichte der Universität Basel 1632-1818*, p. 315f.).

²⁵ Geneva's mixed constitution had a Small Council (*Petit Conseil*) which was the strongest executive organ, entirely monopolizing legislative initiative (Burlamaqui, though very ill, was elected to it in the 1740s). Together with some additional 35 members, it formed the Council of the Sixty, which was only an approbative organ; the Council of the Two Hundred (*Conseil des CC*, also called *Grand Conseil*, with actually 225 members) deliberated legislative proposals and had, apart from some judicative functions, the function of electing most of the magistrates (university professors among them). It coopted its own members and elected those of the Small Council and of the Council of the Sixty. It decided on what to propose to the *Conseil Général*, the general assembly of all the citizens of Geneva, and nominated the four Syndics and the *Procureur général*, to be formally elected by the *Conseil Général*. The *Raport* quoted below made a real *éloge* of it as a true microcosm of Geneva, assembling a sixth of the bourgeoisie, poor and rich, politically powerful and less powerful, but all united in "les mêmes intérêts, & [ils] n'en peuvent avoir d'autres que ceux de leurs concitoyens". See also A. Riklin, "Jean-Jacques Burlamaqui und die Genfer Aristodemokratie".

²⁶ The story is narrated by Gagnebin, *Burlamaqui*, ch. III.

Louis, was an important landowner in Geneva and the neighborhood, and an administrator of city property near Geneva. Although they were a rich family, their way of life was austere. Burlamaqui studied law in Geneva and became a lawyer there. Excelling in private lessons, he became an honorary professor in 1720, but soon resigned from teaching because of his health and went on a study tour to the Netherlands and Great Britain. Burlamaqui met Barbeyrac in Groningen in 1723, after returning from Oxford, just before taking up his professorship in Geneva again. Apparently, both were impressed by one another, but it is difficult to say whether this is sufficient to warrant the claim that "any influence of Barbeyrac on the history of economic thought must presumably have come through Burlamaqui".²⁷ With a full professorship in the subject of natural law and civil law,²⁸ Burlamaqui dominated legal thought and the natural law tradition in Geneva from 1723 to 1740. His teaching in natural law consisted first in a two-year course on what was called the small Pufendorf, i.e. *Les Devoirs*, in Barbeyrac's translation; we may assume that he switched at a certain moment to his own yet unpublished texts, especially to the one that we will examine more thoroughly in a moment. It appears that his teaching was quite successful; students came from far away in order to hear Burlamaqui. In spite of his success and of Geneva's singular position in the French-speaking world,²⁹ Burlamaqui, much like Barbeyrac in Lausanne, was unable to found a strong academic tradition. He resigned in 1740 for reasons of ill health and was succeeded by Pierre Lullin (1740-1757).

Before concentrating on Burlamaqui's economic theory, we should make

²⁷ Hutchison, *Before Adam Smith*, p. 411, n. 6. Sometimes a direct influence from Francis Hutcheson seems obvious, for instance in the definition of property as "une qualité morale" (p. 192: repeated in the analysis of the price, *vide infra*). On the latter, see my "Hume and Smith on Property".

²⁸ He soon arranged with his colleague Cramer (professor of *Droit civil et naturel*) for a clearer division of their respective teaching duties, so he could concentrate on natural law; this was more convenient to their respective intellectual interests, but an unusual specialization at that time.

²⁹ C. Borgeaud tells us in his *Histoire de l'université de Genève*, vol. 1, that: "Genève fut, en pays de langue française, - à défaut de Lausanne, où Loys de Bochat se donnait bientôt complètement à l'histoire, - l'unique centre universitaire du droit naturel et par suite le berceau de cette science politique du XVIII^e siècle" (p. 518). There may be a bit of parochialism in this, but at least institutionally, he may be quite right. Meylan, *Jean Barbeyrac*, p. 236, has a different opinion on this and emphasizes Lausanne's lead in printing activities.

a few more general remarks in order to give an idea of what happened to natural law theory during this second generation of reception in Switzerland.

Burlamaqui's *Elements of Natural Law* (1775) was preceded by three highly interesting documents provided by the anonymous editor,³⁰ especially regarding the manner and purposes of the teaching of natural law in Switzerland and in Germany in the eighteenth century. The editor states that the teaching of natural law, which precedes civil law, should consist above all in introducing the student to the most important duties of man. These are for him the classical *honeste vivere, alterum non laedere, suum cuique tribuere*. He even suggests that the latter two may be reduced to the first.³¹ The teaching should be based on observation³² and not speculation and should concentrate on the circumstances of difficult cases. The method should always ingeniously combine and relate the notions to be acquired with those the student is already acquainted with.³³

The most important point now is the editor's view that the small Pufendorf, *Les Devoirs*, should be regarded as one of the least defective attempts to present natural law, *la loi des loix* [the law of laws].³⁴ Its great defect is *une métaphysique rebutante* [a repulsive metaphysics], particularly at the beginning where the foundations are presented, and in

³⁰ *Elémens du droit naturel*. (I use the 1783 edition in this essay.) Gagnebin, Burlamaqui, p. 90, offers a kind of Sherlock Holmesian conjecture about who the anonymous editor might be.

Two remarks should be made here: First, there seems to have existed in the later eighteenth century a literature of its own introducing the law student to his subject, to which Burlamaqui's book belongs. See D'Aguesseau's *Instructions sur les études propres à former un magistrat*, published by de Felice in: *Oeuvres* (Yverdon 1763), and in France: Camus, *Lettres sur la profession d'avocat* (Paris 1818, but written in 1772). Second, the probably most important fact in our context is that the *Elémens* must with certainty be considered Burlamaqui's own teaching notes (cf. Gagnebin, Burlamaqui, p. 91f.; *Elémens*, p. xviii: "textes de ses leçons").

³¹ *Elémens*, p. x.

³² Hence the parallel studies of history (ibid. pp. xlvi, lv) and of physics and natural sciences (lx).

³³ "les idées que l'on veut acquérir, avec celles que l'on a acquises" (ibid. p. lxvi). Regarding the teaching of natural law as a whole, Meylan, *Jean Barbeyrac*, p. 235, recognizes something quite similar in the teaching of Vicat in Lausanne; the title of his treatise is eloquent: *Traité du droit naturel et de son application au droit civil et au droit des gens* (1777).

³⁴ *Elémens*, p. lxxiii.

the unnecessary and confusing notes surrounding the texts.³⁵ We cannot here decide how much these criticisms (of both Pufendorf and Barbeyrac) are correct and well-founded, but the important thing is that the way Burlamaqui gave his courses did not, in the eyes of our editor, have these defects. On the contrary, he must have been excellent at giving a clear exposition of his argument, and his oral performance must largely have met the criteria just mentioned for good teaching.

Consequently, the text of the *Elements*, though largely Barbeyrac's Pufendorf *verbatim*, differs the most in its first part, which is a very short foundation of natural law with particular attention to the needs of future lawyers. Comparing it to what we said above regarding Pufendorf, the whole dramatic quality of the combination of the two extremes of human nature, self-interest and sociability, gets lost in Burlamaqui. That there is a reasonable and enlightened self-love is just stated as an accepted and self-evident principle. Further harmonizing elements are everywhere: a theory of the human good (*bonheur*), unquestioned acceptance of a sovereign political authority legitimized by its benevolence. Ultimately, harmony is secured by the overall presence of an almighty and friendly God³⁶ arranging all things to the best of all men of good will and good conduct. Burlamaqui's chapter on price (III.11), though again largely Barbeyrac's Pufendorf *verbatim*, contains, however, some interesting differences. First of all, it is resolutely (and probably under the influence of Barbeyrac) placed under the head of "commerce". Moreover, there is, at the outset, a stress on the equality of and in exchange, something which may have been self-evident for Pufendorf. These are the preliminaries required before a discussion of price as a moral quality can begin.

Otherwise, Burlamaqui follows Pufendorf's conceptual differentiation of prices. When reproducing *Devoirs* I.14.ii & iii, he is doing an elegant shift in order to continue his insistent discussion of the combined working of utility and scarcity. "Utility" replaces the somewhat tentative suggestion of the *Devoirs* regarding *besoin* [need], whereas "scarcity" is simply the difficulty one has in obtaining things, which means that no one can easily

³⁵ *Elémens*, pp. vi-vii.

³⁶ Just one example: we mentioned the short but rather dramatic element in Pufendorf's remarks on the use of language (I.10, with the "Creator" mentioned just once). In Burlamaqui there is an elegant restatement of the logical and social implications of language - with two perfect *argumenta auctoritatis* (Cicero, Horace) -, followed by pages linking our use of language to God and religion (*Elémens*, p. 160ff.).

procure all he wants.³⁷ Though Burlamaqui adds that scarcity alone cannot determine the price, but that even a very rare thing must at least be of some use, he carries on an idea already sketched by Barbeyrac and connects all the different circumstances entailing the rise or fall of a price with the concept of scarcity.³⁸

There are interesting differences in the discussion of fixed prices. In the *Devoirs*, Pufendorf simply states this as one possibility of determining the price in a particular case. In the *The Law of Nature and Nations* Pufendorf stresses the difficulty of observing the requirements of justice and equity by giving the metaphor of the indivisible point, in addition mentioning various opportunities and occasions on which the sovereign may abuse his powers.³⁹ Burlamaqui, on the other hand, tries to legitimize the fixing of prices by invoking arguments of market failure and of human morality. He does of course state the necessary moral requirements of "justice & équité", but he never has Pufendorf's (rather modern) doubts. There is no normative problem in fixing the prices of the most needed goods - this is indeed a matter of good policing and of the common good -, nor any hint that practical problems could arise in doing so. At the end of the chapter, Burlamaqui also adds some considerations on the sovereign's monetary policy and on the interest rate, considerations absent in Pufendorf, at least in the *Devoirs*.⁴⁰

Hutchison tells us that, concerned in this way with the foundations of micro-economics, natural law doctrine acted as the transmitter of a long tradition of analyzing fundamental economic concepts. Although in such a context Burlamaqui apparently only "restat[ed] the master's [Pufendorf's] doctrines",⁴¹ Hutchison's thesis is indeed a very important one. As far as

³⁷ "la difficulté que l'on a de se procurer ces choses, & et qui fait que chacun ne peut pas s'en procurer aisément autant qu'il en veut" (p. 225f.).

³⁸ Ibid. p. 226f.

³⁹ DNG, V.1.viii: ignorance, (more often) partial interests, even corruption or governmental self-interest.

⁴⁰ Indeed, the DNG has some considerations on it (V.1.xv & xvi). Burlamaqui, moreover, tells us that the sovereign should fix the price of money because of its common character and the requirement of equality (p. 232); he adds that the interest rate is a function of the scarcity of money relative to that of land (p. 233).

⁴¹ Hutchison, *Before Adam Smith*, p. 322. Pufendorf himself is described as merely a transmitter at p. 99f. It may be added that, in his already classic *History of Economic Analysis*, J.A. Schumpeter mentions only Pufendorf among the authors we are focusing on here. He also presents him as an elegant but ultimately not innovative "philosopher of natural law aim[ing] at a comprehensive theory of

the subjective approach to value and price is concerned, Burlamaqui represents a link in a chain starting from Pufendorf and reaching to the Walrases senior and junior, hence constituting a second line of descent of Pufendorf's natural law theory down to modern economic thought, in addition to the Glaswegian one which developed Pufendorf through Carmichael and Hutcheson into the masterpiece of Adam Smith. Through his acquaintance with Barbeyrac, Burlamaqui learned Pufendorfian economic theory and left it to the French subjectivist theorists of the nineteenth century. Thus, Geneva (and, remembering Barbeyrac and Walras, Lausanne) constitute something like the second and neglected capital of modern economics.

3. *Vattel: a cosmopolitan republican lawyer's political economy*

Emer de Vattel (1714-67) is certainly one of the most interesting and most influential natural law thinkers, and probably the most important Swiss figure within this powerful strand of political and legal thought. Brought into connection with Barbeyrac and Burlamaqui, he represents the third generation of the Swiss natural law tradition in the eighteenth century and its culminating figure. Some details of his education are worth mentioning: in 1728, at the age of fourteen, he moved from his native Neuchâtel to Basel, in order to study at the university. He began with philosophical propaedeutics and then moved to theology. No details are available regarding his studies at the university, but it is likely that he followed the traditional curriculum. Furthermore, it is certain that he had daily classes, particularly in natural law, from the minister of the French Church at Basle, Pierre de Roques (1685-1748). Apparently Roques used - what else could he have used? - Barbeyrac's translation of Pufendorf's *Devoirs*.⁴²

Vattel's studies in his early years must have been brilliant: since he was not yet eighteen years old in 1731, he had to ask for a special permission to take his exams in Neuchâtel. Otherwise, he would not have been entitled to begin his studies in theology at Basel. Then there is a gap in his

society" (p. 117).

⁴² See E. Béguelin, "En souvenir de Vattel", pp. 39 and 81. What seems even more extraordinary, is Roques's way of teaching: he did lectures and seminars at the end of which "students could ask questions, express doubts and criticisms" (ibid.). We know that John Millar did this half a century later at the university of Glasgow and that this was then regarded as quite extraordinary.

biography; but we are quite sure that he abandoned theology and that he moved to Geneva in 1733 where he may have heard Burlamaqui.⁴³

Vattel not only had a (Pufendorbian) natural law background, but we know that he acquired Leibnizian intellectual tools very early, through Louis Bourguet (1678-1742), a Leibnizian of European reputation who taught Vattel and later employed him as a collaborator on the *Mercurie Suisse*. Indeed, Vattel's first book was his *Defense of the Leibnizian System Against the Objections and Imputation of Mr de Crousaz* (1741).⁴⁴ He came back to this task in the first essay of his *Philosophical Leisure* (published in 1747 but written by 1742), on the foundation of natural law. Here, he defended Leibniz (and Wolff) against Barbeyrac's criticism, and this with regard to the core notion of the natural law: obligation, which he thinks is founded in utility: "It is our utility which is the general and original principle of all our determinations".⁴⁵

Politically, Vattel was a convinced adherent of urban Swiss republicanism, much more democratic than Burlamaqui: "I was born in a country in which liberty is the soul, the treasure, and the fundamental law". But, at the same time he considered himself to be *l'ami de toutes les nations* [a friend of all the nations].⁴⁶ One of the most decisive moves of Vattel is

⁴³ The last point is only a conjecture, offered by various biographers of Vattel (see Béguelin, op.cit. p. 40; and Meylan, op.cit. 187) or Burlamaqui (cf. Gagnebin, op.cit. pp. 65, 245). Regarding what we know about students' habits, nothing safe can be said about the teacher/student relationship or the influence on the thought of the latter. Yet it is interesting to note that almost always he attacks Barbeyrac, and not Burlamaqui, whom he rarely cites.

As far as Vattel's later biography is concerned, one should mention that the move to establish for him a university chair of philosophy in Neuchâtel in the early 1740's failed. He then reoriented his career to diplomacy and was ambassador of the King of Saxony in Berne, but he was poorly paid and passed most of his time writing at home in Neuchâtel.

⁴⁴ *Défense du système Leibnizien contre les objections et les imputations de Mr de Crousaz*. We remember that Jean Pierre de Crousaz was a good friend of Barbeyrac and, as the professor of philosophy from 1699-1724 (and again, after having been in Groningen, 1735-48), for some time Barbeyrac's colleague at the Academy of Lausanne.

⁴⁵ *Loisir philosophique*, p. 22: "C'est donc notre utilité qui est le principe général & primitif de toutes nos déterminations". Or in terms of the Pufendorbian scheme: First comes our self-interested nature, and sociability is the consequence of its most reasonable understanding.

⁴⁶ *Le Droit des gens ou principes de la loi naturelle, appliqués à la conduite & aux affaires des nations & des souverains*, 1773 edition, p. 24.

that he begins to reduce to the horizontal plane what for years has been conceived vertically: the relationship between man and his superiors, and the relationship between natural law and civil and positive law. Consequently, he established a third, equally important science called *droit des gens* [the law of nations]. The first step is probably not very original, since Leibniz preceded him.⁴⁷ But the second has hardly been stated as clearly by anybody before or since, as by Vattel. Conceptually, it is related to the specific Vattelian, neo-Leibnizian understanding of natural law which is summarized in an important and remarkable footnote in the Preliminaries to the *Law of Nations*:⁴⁸ the first principle of this science of the natural laws is the truth of feeling, the incontestable axiom that "[l]a grande fin de tout être doué d'intelligence & de sentiment est le bonheur." This is the only source of rules and laws, resulting from a true study of the nature of things and of man in particular.⁴⁹

This natural law conception also leads Vattel to write in his famous book a hitherto almost completely neglected treatise on political economy. Indeed, the principal task of a government, or - in a (neutrally minded) national understanding of natural law duties - "the first duty of a nation to itself", is to satisfy the needs of the people by providing or producing the subsistence necessary for its happiness.⁵⁰ Vattel gives a bewildering list of legitimate interventions: a duty to make available employment to the work force, but also a right to retain the individual worker in the state (however, only in the last resort) and to punish incitements to work abroad. The most important branch of the economy is agriculture. Government must therefore encourage people to cultivate the ground (moreover, they have a "natural right" to do so) by light taxes and by public praise for this order. Government should also build and manage public granaries, on a

⁴⁷ Cf. Sève, *Leibniz, passim*.

⁴⁸ Pp. 27f. This pathbreaking work was written under difficult personal conditions: Vattel was only accepted at the court of Dresden after he had published the *Droit des gens* in 1757, but he was already in fragile health by then.

⁴⁹ Vattel does not even raise the Grotian hypothesis, *etiamsi daremus...* ["Even if we admit that God does not exist"]. He does not talk of the existence of God but of our knowledge of him. The specifically Leibnizian point here is that the will of God "coïncide ainsi parfaitement avec la simple indication de la nature, & ces deux sources produisant la même loi, se réunissent à former la même obligation" (ibid.).

⁵⁰ The following is based on the chapters VI to X of the first book, pp. 88-110 of the above mentioned edition. At the beginning of the subsequent chapter XI, he states that the government's duties in economics are a necessary but not sufficient condition for the happiness of a nation.

non-profit basis and in order to keep grain available during all times at a "just", i.e. stable price.

Vattel's chapter on commerce, i.e. "the mutual selling and buying of all kind of goods", is based on a radical and astonishing asymmetry, formulated in natural law vocabulary. After having stated the necessity both of *commerce intérieur* and *commerce extérieur* (again with praises for the interventionist policies of the British Parliament), Vattel examines "the laws of nature" of international commerce. Based on the individual and collective duty to exchange, he postulates a right to buy which the government should not restrain (it is an "imperfect right" insofar as the actual transaction is at the seller's discretion). On the contrary, however, the government is perfectly free to forbid or restrain the sale of goods, for instance by restricting or even prohibiting imports. Bilateral commercial treaties are perfectly sound, but they are based on a *jus merae facultatis* and should not exclude agreements with other states. Moreover, though each member of a state has an equal right to trade, a right in general ruling out monopolies, there are exceptions: East India Companies, British or Dutch, are admissible. Finally, the government should punctually observe the requirement of a positive balance of trade in terms of gold and silver, and so encourage all trade favorable to its people and restrain the unfavorable one. (This is probably a mercantilist legacy in Vattel.)

The government should furthermore erect and maintain public works such as roads, bridges, or navigable canals. Indeed, the whole nation should contribute to it; in this way, Vattel legitimates special taxes and even forced labour required for their maintenance. Considering the great financial expenses, a government is perfectly free to raise tolls; however they should be reasonable and proportioned according to the expenses. Government misuses its powers if it raises tolls but does nothing to repair the roads, and so forth.

The theory of money is rather classic and unspectacular. It is only here that an economic author is mentioned and even cited, namely Jean Boizard's *Traité des monnoies* [*Tract on coins*]. In agreement with old conceptions, the counterfeiting of coin is considered a highly criminal act.

Later on in the *Droit des gens* (bk. I, ch. XX), there are a few further considerations of partly economic matters. As we now probably expect from any natural law treatise, there is also here a *de rerum divisione*, a distinction between which goods should be private and which public, and to what extent. Public goods (*biens publics*) are a kind of residual class after the private goods (*bien particuliers*) and the goods possessed by legitimate political or private entities (*biens de communauté*) have been

substracted from the whole property of the nation. These public goods are either the domain of the state (crown or republic) or common goods (*biens communs*) available to all citizens of the nation, perhaps regulated by laws respecting always the requirement of equality. The latter can be left "by the nation" to the government for management or even for property, but this should be declared explicitly. The revenues of the domain should cover the expenses of the government; if they do not, the government is entitled to raise taxes proportionally to the financial means and the advantages of the citizens. The use of private goods may be legally restricted, in particular in order to prevent the heads of family from dissipating their property (again a very delicate matter, to be left to "the public law and politics"). Let us just mention that in the subsequent chapters (XXI-XXIII), Vattel gives an exposé of the possibility of the state alienating public goods, and of the rights regarding rivers, lakes, and the sea in international public law, a "sketch of a huge painting" awaiting the "intelligent reader".

Two other economic intuitions should be mentioned:

- A plea for mutual trade among all nations (Bk. II, ch. II) rests on an early understanding of comparative advantage, and on the perspective of a mutual gaining of happiness. Vattel even speaks of the "liberty of trade"; it is however subject to the overriding "duties of a nation to itself", or to the mutual obligations of *pacta sunt servanda*.
- Like Barbeyrac, Vattel also developed an interest in the theory of games. At the outset of his "Essay on the Utility of Games",⁵¹ he talks of "the admirable disposition of things such that often, from what seems a bad thing, good effects follow" - a fact which should make the authors of moral and political tracts more careful in their censures as well as in their own proposals. We have here the powerful intuition of the invisible hand, roughly at the same time when it made its first explicit appearance in a text of Adam Smith, the posthumously published "History of Astronomy".⁵²

So far the rather unexpected, but certainly noteworthy treatment of political economy in Vattel. We have here a strange mixture of natural law

⁵¹ "Essai sur l'utilité du jeu" in *Loisir philosophique*, pp. 180ff. The difference in the titles of Vattel and Barbeyrac is of course highly significant.

⁵² Adam Smith, *Essays on Philosophical Subjects*, p. 49. On how this was then culturally in the air, cf. my comments in *Die Rechts- und Staatslehre von Adam Smith*, p. 169f.

thinking, Leibnizian inspirations ranging from the "science of happiness" to diplomatic considerations, emphasis on the "agricultural system" (to use Adam Smith's terms), elements of mercantilism, and sometimes even sketchy anticipations of socialist cornerstones. Unfortunately, Vattel is, in complete disproportion to his influence, a very neglected economic writer and it is a pity that neither his sources nor his influence have been thoroughly studied. This essay is intended as a first step toward the fulfillment of this task.

In the foregoing essay, we have traced the economic theory of three outstanding figures in the Protestant natural law tradition. The Huguenot Barbeyrac began the process of assimilation into French-language thought of the insights of the German tradition, and Burlamaqui carried the process and developed the ideas further. Following the earlier generations, Vattel was not only one of the most interesting and most influential natural law thinkers, but probably the most important Swiss figure within the powerful strand of natural law political and legal thought. He was also a cosmopolitan republican and the author of a very broad economic theory. We may conclude by expressing the hope that we have shed some light on remarkable intellectual achievements of the Swiss enlightenment, largely instigated by the Huguenot scholar, Barbeyrac.

CHAPTER THREE

IMPOSTORS AND LIARS: CLANDESTINE MANUSCRIPTS AND THE LIMITS OF FREEDOM OF THE PRESS IN THE HUGUENOT NETHERLANDS

John Christian Laursen, Riverside

The Huguenots of the *Refuge* were heavily involved in the translation, transmission, and circulation of subversive philosophical ideas throughout Europe. They were also some of the first practitioners and beneficiaries of freedom of the press, often testing the limits of the *de facto* freedom that was available to them. The exploration of their activities in these matters contributes new knowledge to our understanding of the rise of modern liberalism, both in theory and in practice. As we shall see below, a Huguenot was responsible for what is apparently the first extended principled defense of freedom of the press in French.

Most of the evidence suggests that the sequence of affairs of the rise of the liberal principles of freedom of the press and toleration of dissident political and religious ideas was *not* that first some genius thought that we should have freedom of the press and toleration and then slowly convinced the authorities to grant it. Rather, for various reasons the authorities looked the other way as more and more liberties were taken, and then slowly began to understand either that the publication of dissident ideas was not as dangerous as previously thought, or that prevention of such publication was either difficult or impossible. The activities of some of the Huguenots of the *Refuge* reaffirm this pattern, and this essay explores specific examples of their activities. It is designed to encourage or provoke others to push further into relatively unexplored fields.

There is a pronounced tendency in the study of the history of early modern political ideas to emphasize published materials. This is not too surprising, partly because printed materials are more readily at hand, and are often presumed to have had more impact and wider distribution. We have little or no access to some other sorts of expressions of ideas, such as public debates or private conversations of the time that were not written

down.¹ But what should be surprising is how little attention is paid to the political meaning of one set of unpublished materials that we do have at hand. These are the numerous clandestine and often subversive manuscripts that we know were circulating in the early eighteenth century.

As long ago as 1938, Ira O. Wade published *The Clandestine Organization and Diffusion of Philosophical Ideas In France from 1700 to 1750*, in which he catalogued 102 different French-language subversive manuscripts from the first half of the eighteenth century in European and American libraries. A few years ago Miguel Benítez expanded that list to 148, and the list has continued to grow.² From most of the English-language literature on the political theory and the history of political thought of this period, one would never guess that there is a large and growing literature in French, Italian, and German on these clandestine manuscripts.³ This essay is designed to draw attention to the implications of these manuscripts for the development of early modern political thought and practice.

The Huguenots of the *Refuge* were not the only people involved in the circulation of clandestine manuscripts, but for a variety of reasons some of them were heavily involved in it. The burden of this essay is that in the process they contributed toward the development of ideas and practices which are recognizably liberal or proto-liberal, and thus an important part of the ancestry of contemporary liberalism.

This essay will focus on only two of the many manuscripts that have been located. A full study of the political ideas of all of these manuscripts would be a major undertaking, well worth the effort. If the implications for the development of political thought and practice that will be drawn from these two manuscripts could be broadened and generalized based upon evidence from the other manuscripts, wide-reaching and perhaps revolutionary changes in our understanding of early modern political

¹ For a rare example of a case where we do have transcripts of oral debates that were only published centuries after the debates took place, see the Putney debates in A.S.P. Woodhouse, *Puritanism and Liberty*. See also valuable recent studies which draw on unpublished correspondence, such as D. Goodman, *The Republic of Letters*, and the chapter by Pauline Haour in this volume.

² M. Benítez, "Materiaux pour un inventaire". See also the 144 manuscripts listed in a separate index and discussed in the articles (in English, French, and Italian) in G. Canziani, ed., *Filosofia e religione nella letteratura clandestina. Secoli XVII e XVIII*, pp. 503-508.

³ See many of the books and articles cited in the following notes.

thought and practice might be necessary.

1. *The Three Impostors*

The first manuscript we shall discuss was known as the "*Traité des Trois Imposteurs*", or "Tract on the Three Impostors". The impostors it referred to were the founders of the three great Western religions, Moses, Jesus, and Mohammed. What was subversive about it was both its anti-clerical and anti-religious message, and its anti-monarchical political implications. At a time when religion and politics were so closely intertwined, attacks on religion were necessarily political statements as well. It may seem inflated to grant that such a tract contained "philosophical ideas", but this sort of thing was in fact one of the prevailing meanings of the words for the men and women of letters of the day.

The writers and book-sellers who produced, distributed, and eventually published these manuscripts did not limit themselves to low-brow *ad hominem* slander of church and state. They also drew on, and in the process disseminated, the work of the philosophical "greats". "The Three Impostors" was largely a pastiche of selections from Charron, Hobbes, Naudé, Lamy, Spinoza, Vanini, La Mothe Le Vayer, and others.⁴ The selections from Hobbes and from Spinoza's *Ethics* were the first French translations of those parts of the works of these philosophers.⁵ Erudites and scholars might have read them in the original Latin, but their ideas were first spread among the wider audience of literate men and women in the form of this kind of tract. The intended audience is suggested by the fact that none of the selections is attributed. It was the ideas, not the authors, that were thought to be interesting.

By the time "The Three Impostors" was put together it could draw on a long tradition. It was reported that the emperor Frederick Barbarossa had written a Latin tract on "*De Tribus Impostoribus*", as part of his campaign against Pope Gregory IX and the Lombard League in the twelfth century.

⁴ For details, see F. Charles-Daubert, "Les principales sources de *L'Esprit de Spinoza*".

⁵ S. Berti, "*La Vie et l'Esprit de Spinoza* (1719) e la prima traduzione francese dell'*Ethica*" and "The First Edition of the *Traité des trois imposteurs* and its Debt to Spinoza's *Ethics*". The French translation (1678) of Spinoza's *Tractatus Theologico-Politicus*, much used in "The Three Impostors", was apparently the work of a pre-Revocation Huguenot refugee, Saint-Glain.

A Latin version was actually written in the 1540's as a polemic against Calvin's *Institutions of the Christian Religion*. The author was probably Jaques Gruet, hanged for heresy in 1547 in Geneva.⁶ This version apparently had only a limited circulation until the eighteenth century,⁷ but that made it valuable. Queen Christina of Sweden heard about the Latin tract and offered the equivalent of a million dollars for a copy of it, but none was to be found.⁸ Three manuscripts exist in Italian libraries today, although they are only copies of a 1753 printing of the book,⁹ but we do know that the larger issue of religious impostorship percolated widely throughout the seventeenth century in Italy.¹⁰ In the eighteenth century, Huguenots such as Charles Étienne Jordan in Berlin were also involved in circulation of the Latin version.¹¹

Sylvia Berti believes the claim of the Huguenot bibliophile Prosper Marchand that the author of the earliest French version of "The Three Impostors" was Jan Vroesen, a counselor in the Court of Brabant, and that he put it together during the first decade of the eighteenth century.¹² We do not have much external evidence about his motives, political or otherwise. Berti also believes that he may have belonged to Benjamin Furly's philosophical and literary circle, known as The Lantern, and that he was also familiar with what are usually labelled "libertine" circles. But libertinism, in Berti's interpretation, is areligious rather than irreligious, and in Pintard's interpretation it is apolitical.¹³ "The Three Impostors", however, is fervently anti-Christian (as well as anti-Jewish and anti-

⁶ W. Gericke, "Wann entstand das Buch 'Von den Drei Betrügern' (De Tribus Impostoribus)?" . Recent books on the Latin version include W. Gericke, *Das Buch "De Tribus Impostoribus"* and F. Niewohner, *Veritas sive Varietas: Lessings Toleranzparabel und das Buch Von den drei Betrügern*. See also F. Berriot, *Athéismes et athéistes*, vol. 2, pp. 310-545.

⁷ For a catalogue of the 70 copies known today, many of which were copied after our period, see W. Gericke, "Die Handschriften des Buches *Von den drei Betrügern* (De tribus impostoribus)".

⁸ See R. Popkin, "Spinoza and the Three Impostors" in *The Third Force*, p. 141.

⁹ Gericke, "Die Handschriften", pp. 46, 48-9.

¹⁰ G. Spini, *Ricerca dei libertini. La teoria dell'impostura delle religioni nel Seicento italiano*.

¹¹ J. Häseler, "Réfugiés français à Berlin lecteurs de manuscrits clandestins", pp. 374, 378-9.

¹² See Berti, "The First Edition of the *Traité des Trois Imposteurs*".

¹³ R. Pintard, *Le Libertinage érudit*.

Muslim), and politically anti-absolutist in the sense that it undermines the legitimacy of any claim to divine right or even support for political authority from any religion. The manuscript also contains a strongly materialist reading of Spinozism, which is not from libertine sources.¹⁴ Thus, there is a serious question of motives.

This essay cannot settle the questions of authorship or of motives. But it will set out various positions and various types of evidence in an effort to explore the range and complexity of the possible political intentions and interpretations involved. The point of the exercise is to suggest that if there are so many possible interpretations of this one manuscript, the full story of the meaning for political thought of the clandestine tradition as a whole will call for much subtle and sophisticated analysis.

There are various possible interpretations of the author's motives. One is that the author took his anti-ecclesiastical message seriously, and that he could square it with his government service in the same way that a Hobbes or a Spinoza could square their support of the secular authorities with their anti-ecclesiastical positions. Unlike Hobbes, however, the anti-absolutism in the tract would undermine any monarchy with claims to religious legitimation. It is at least possible that Vroesen was sophisticated enough to see that one form of government that could survive the analysis of "The Three Impostors" was the oligarchic government of the Netherlands, in which he participated. This would make him similar in some ways to Montesquieu, the defender of government by *Parlements*. On this explanation, the anti-absolutism in the text would be directed largely against French absolutism, with perhaps some intentions against certain parties in the Netherlands who might be accused of absolutist goals, such as the Orangists.

But it is not necessary to presume that the author of this manuscript was particularly a partisan of either the anti-ecclesiastical or the anti-absolutist message of the manuscript. Evidence from other collectors and readers of this and similar manuscripts suggests that reading these manuscripts did not necessarily shake religious readers' faith, and that in fact some were written for sincerely religious purposes.¹⁵ In addition, the writers may not have taken them seriously. The manuscript may have been written as an erudite joke, a literary *tour de force*, an answer to a challenge to collect all the most outrageous things the author could think of. And, as we shall see

¹⁴ S. Berti, "Scepticism and the *Traité des trois imposteurs*", esp. pp. 218-221.

¹⁵ See A. McKenna, "Sur l'hérésie dans la littérature clandestine", pp. 302f. and J. Häselser, "Réfugiés français à Berlin", pp. 379-80, 385.

below, it may have been written largely as a pot-boiler, *intended* to become an underground best-seller.

Françoise Charles-Daubert and Wolfgang Gericke continue to maintain that the author of "The Three Impostors" was the Huguenot refugee J.M. Lucas, also well known as the author of another manuscript entitled "The Life of Spinoza".¹⁶ His journalistic activities in the *Quintessence des Nouvelles* have been described as a violent polemic against France and the politics of Louis XIV.¹⁷ If Lucas was the author, it certainly is possible that the ideological message of the manuscript was simple anti-absolutism and anti-Catholicism, and that it was written as a deliberate piece of political propaganda. One problem would seem to be that it was a rather blunt instrument. The same arguments that would undermine the faith of Catholic France might also undermine the faith of the Protestant powers that sheltered the Huguenots.

We know more about the people and the details of collaboration and communication in the Huguenot circles that edited and eventually published "The Life of Spinoza" and "The Three Impostors" (a.k.a. "The Spirit of Spinoza") together as *The Life and Spirit of Mr. Benoit de Spinosa* in 1719¹⁸, thanks to the print and manuscript legacy of Prosper Marchand at the University of Leiden.¹⁹ Marchand declared that Jean Aimon and Jean Rousset de Missy revised the manuscript, and that Charles Levier was its printer and bookseller.²⁰ They earned a position worthy of some repute in the history of the free press because their edition of *The Life and Spirit* may have been only the fourth of the 148 manuscripts catalogued by Benítez to make it into print.

¹⁶ F. Charles-Daubert, "Les *Traité des trois imposteurs* aux XVIIe et XVIIIe siècles", p. 298; W. Gericke, "Die Handschriften des Buches", p. 47. Wade claimed that the author was Boulainvilliers (*The Clandestine Organization and Diffusion*, p. 127), and M. Jacob asserts that the author was Jean Rousset de Missy (*The Radical Enlightenment*, pp. 161, 218-19).

¹⁷ Charles-Daubert, "Les *Traité des trois imposteurs*", p. 298; S. Berti, "The First Edition of the *Traité*", p. 184.

¹⁸ *La Vie et l'Esprit de Mr. Benoit de Spinosa*. There is a modern edition now, with the French text and an Italian translation: S. Berti, ed. and tr., *Trattato dei tre impostore. La vita e lo spirito del Signor Bennedetto di Spinosa*.

¹⁹ See C. Berkvens-Stevelinck, *Catalogue de la collection Prosper Marchand and Prosper Marchand: La vie et l'oeuvre*.

²⁰ P. Marchand, *Dictionnaire*, vol. 1, p. 325. In a letter to Marchand, one of his friends suggested that Levier might have had a co-publisher, Charles Johnson. See Berti, "The First Edition", p. 194.

We have been referring to "The Three Impostors" as if it were one manuscript, but in fact, as was common in the tradition of clandestine writing, there was no way to guarantee the integrity of a manuscript as it was passed from hand to hand and copied, sometimes with creative changes. Recent scholars have developed genealogies of the different branches of the manuscript tradition,²¹ and we now know that the recognizably related family of manuscripts of "The Three Impostors" was widely circulated in Europe, both before its first publication and after. We shall return to the later diffusion of the manuscripts and printings below.

Another significant point about the publication of *The Life and Spirit* in 1719 is that this edition was never widely distributed. Only four copies have been found in recent searches. Marchand claimed that he burned 300 copies of the book after Levier's death, at the instruction of his widow.²²

Although we have more technical information and more details about the Huguenot circle that printed *The Life and Spirit*, interpretation of their intentions is still very tentative. Margaret Jacob saw in this circle the origins of Freemasonry and what she called "The Radical Enlightenment".²³ Marchand's biographer, however, depicts him as a pious Calvinist, genuinely disgusted by *The Life and Spirit*.²⁴ In the following paragraphs, some of the range of possible intentions of these characters will be explored.

Berti calls the publisher, Charles Levier, a "committed *esprit fort*" and, as described by Marchand, a Spinozist. She notes, however, that Marchand described his friend as too theoretically unsophisticated to understand Spinoza properly.²⁵ This raises the question, which can be raised for all of the people involved, as to whether they really understood what they were doing. Intentions may not match results in the diffusion of political ideas. Berti also points out that "The Three Impostors" twists Spinoza's meaning significantly, reading him as a materialist.²⁶ We have no indication as to whether Levier recognized this.

²¹ See, for example, B. Schwarzbach and A. Fairbairn, "Sur les rapports entre les éditions du 'Traité...' et la tradition manuscrite"; F. Charles-Daubert, "Les *Traité des trois imposteurs*".

²² Marchand, *Dictionnaire*, vol. 1, p. 325.

²³ M. Jacob, *The Radical Enlightenment*, *passim*.

²⁴ Berkvens-Stevelinck, *Prosper Marchand*, esp. pp. 26, 30, 79-80, 169, 171.

²⁵ Berti, "The First Edition", pp. 195-6.

²⁶ Berti, "The First Edition", pp. 215ff.

Jean Rousset de Missy has been aptly described as a "vindictive refugee",²⁷ and Berti calls him as "the brains behind the publishing project", "fully aware of its intellectual and political significance".²⁸ The reading of Spinoza in *The Life and Spirit* amounted to an escape "from the confines of Spinoza's concept of being, turning away from necessity in order to embrace liberty".²⁹ If true, this was a subtle and sophisticated piece of political theory. But there are at least three problems with this. Nowhere else in their writings, including private letters, has anyone found Levier, Aimon, Rousset, Marchand, or any of the other people involved in publishing the book articulating such theoretical purposes, so doubts about the sophistication of their intentions are justified. We have no indication that *The Life and Spirit* was ever received with such sophistication. And it may also be a considerable over-statement to claim that a materialist reading of Spinoza is a turn away from necessity in favor of liberty.

Aimon was an ex-Catholic priest, which suggests that ex-Catholics might have had a particular interest in this sort of manuscript.³⁰ Prosper Marchand, for that matter, was also an ex-Catholic. He described *The Life and Spirit* in print as a "detestable tract" and labelled its publishers "full of irreligion".³¹ As mentioned above, on this and a few other grounds his biographer believes that he was sincerely religious. Elisabeth Eisenstein has asserted that he left Paris in 1709 because of a genuine religious conversion.³² But other evidence suggests that any such conversion was not to any established church. In a letter to a friend of that same year he wrote that "In matters of authority, Geneva and Rome are like two drops of water"; "Read the Scriptures [they tell us]; but be careful not to understand them differently from us".³³ As Eisenstein herself notes, he apparently held up the primitive church as the best,³⁴ perhaps because it was not established. If this indeed expresses his real opinion, he may have

²⁷ E. Hatın, *Les Gazettes de Hollande et la Presse Clandestine*, p. 177.

²⁸ Berti, "The First Edition", p. 195.

²⁹ Berti, "The First Edition", p. 220.

³⁰ However, not much is known about him. See Berti, "The First Edition", pp. 195, 209.

³¹ P. Marchand, *Dictionnaire*, vol. 1, p. 325.

³² E. Eisenstein, *Grub Street Abroad*, p. 78.

³³ Marchand papers at the University of Leiden, catalogued as "March. 2", letter to Picart, 1709.

³⁴ Eisenstein, *Grub Street Abroad*, p. 97.

appreciated the usefulness of "The Three Impostors" for undermining established churches.

Berti has remarked that Marchand "seems to constantly reappear like a ghost in every event relevant to free thought in Holland in the early eighteenth century".³⁵ Eisenstein's own interpretation of Marchand's preface to his edition of the *Cymbalum Mundi* was that it was a ruse, calling attention to heretical and subversive interpretations while ostensibly denying them; and his *Dictionary* entry on "De Tribus Impostoribus" was, suspiciously, a "remarkably detailed history of free thought" which might be taken to have more than scholarly purposes.³⁶ Adopting this sort of interpretation, Marchand's description of *The Life and Spirit* as "detestable" might have been simply the customary insincere disclaimer, designed to deflect critics while whetting readers' appetites. There is some evidence that he even told his friends about this way of writing. In 1720 his Genevan correspondent Jean Alphonse Turretini wrote to take him to task for "the third way which you talk about, which is to employ equivocal terms". "One should always act openly, and without trying to dupe each other," Turretini wrote sanctimoniously, and "leave to each the liberty to think as he wants about particular questions".³⁷ Marchand probably knew that one person's "particular question" is the heart of the matter for the next person, and seems to have recognized the value of a little insincerity. It is not impossible that even at the late date of his writing of the impostors article for his *Dictionary*, Marchand's references to Levier's irreligion could be designed to keep up the market value of any remaining copies of the book.

In the absence of further information, the intentions of this whole group may never be more than debatable. My reading of Marchand is that his first loyalty was to erudition and freedom of the press, and that his "religion" was the love of books. He may have left Paris for the Netherlands and become a nominal Protestant largely because he knew its reputation for greater freedom of thought and of the press. It is not unlikely that for many a Huguenot man of letters, *ubi bene ibi patria* applied not only to the nation state in which they settled, but to their choice of religion.

At this point, we can generalize from several discoveries about the

³⁵ Berti, "Scepticism and the *Traité des trois imposteurs*", p. 225.

³⁶ Eisenstein, *Grub Street Abroad*, pp. 82ff, 93.

³⁷ March. 2, Turretini to Marchand, August 13, 1720.

intentions of the various characters behind the publication of *The Life and Spirit*. One is that any one figure may have had a bewildering variety of motives at the same time, ranging from several different political and religious purposes through the imperatives of erudition and scholarship, to simple economic motives (and we shall return to some of them below). In addition, the different figures may have had partly overlapping and partly diverging intentions. Yet another point is that there may be little or no connection between the various parties' intentions and their effects. Alternative possibilities include publishing what was in effect a subversive manuscript without intending real political subversion, contrasted to publishing such a manuscript with such intentions, but failing to elicit any such response. A history of the ideological reception of the manuscript and of its printed version would be necessary in order to establish what connections there were, but we do not have one yet.

We shall return to some of the lessons to be learned from the publishing history of "The Three Impostors" in the following sections. Now we shall turn to another manuscript.

2. *Beneficial lies*

The second manuscript to be discussed here is the "Dissertation on Beneficial Lying".³⁸ It has not been catalogued among the clandestine manuscripts because it reads like a sincere effort to explicate certain passages in the Bible. But that does not mean that it was not controversial. The history of the debate over beneficial lies in the press, in the synods, and in the Court of Holland shows that its potentially subversive character was indeed recognized.

The "Dissertation" is dated 1705 and purportedly was read to a society of men of letters in London by a Huguenot refugee and pastor educated at Franeker in the Netherlands, Pierre Ricotier. The rest of the story takes place in the Netherlands. We do not know how many of the later writers who participated in the beneficial lies controversy had read this manuscript, but Prosper Marchand had it in his possession and it can be found today

³⁸ A translation of this manuscript appears at the end of this article as an appendix. A modern edition of the French text can be found in my "The Beneficial Lies Controversy in the Huguenot Netherlands, 1705-1731". The following discussion draws on the more extensive treatment in that article.

in the Marchand papers at the University of Leiden.³⁹

The "Dissertation" drew on, and thus disseminated, the ideas of some "great" thinkers. Augustine, it points out, officially rejected the use of lies for any purposes, although he praised them in at least one place. But Grotius, Pufendorf, and Crellius approved of lies for beneficial purposes. The "Dissertation" follows this Protestant natural law school of apologetic, defending beneficial lies in the right circumstances. We shall return below to the point that Calvin, who had also written on lying, was not cited.

In his own judgment, Ricotier's originality was the use of the case of Samuel to justify beneficial lies. God advised Samuel to tell the people of Bethlehem that he had come to the city in order to sacrifice, when in fact he was coming to anoint David (I Samuel xvi). Other lies in the Bible include Jesus's behavior toward the two disciples on the road to Emmaus, the Hebrew midwives in Egypt, and Rahab in Jericho.

The publishing history of the issues discussed by the "Dissertation" begins with the publication of a refutation of beneficial lying by the prominent Huguenot pastor and professor, Jacques Bernard. Probably because of its controversial nature, this essay was placed as innocuously as possible as an appendix to volume two of his *Excellence of the Christian Religion* of 1714, and it is worth noting that it was not included in the English translation of the book in 1793. Even though Bernard came down against beneficial lies, he had to raise a number of dangerous defenses of them in order to refute them. Recent work has shown how virtually every atheistic and subversive doctrine of the seventeenth and early eighteenth centuries was available in the most orthodox of writings, if nothing else as the doctrines to be justly refuted.⁴⁰

After reviewing Bernard's book, the editors of the *Journal Littéraire* (which included Marchand) also published a letter on the issue that they said they had received in 1711.⁴¹ They went out of their way to deny responsibility for it even though they never attributed responsibility for any of their other articles, so this denial suggests that they understood that it might attract controversy. The letter defended beneficial lying, and was later attributed to the Dutch polymath's Gravesande. Yet another letter in the same journal, also defending beneficial lying and also attributed to Gravesande, was apparently written in 1721 but not published until 1729.

³⁹ C. Berkvens-Stevelinck, *Catalogue*, pp. 90f.

⁴⁰ C. A. Kors, *Atheism in France, 1650-1729*.

⁴¹ *Journal Littéraire*, vol. V, part II (1714), pp. 253ff.

The flashpoint of the beneficial lies scandal, however, was a chapter entitled "Dissertation on Beneficial Lying" in volume two of the Huguenot pastor Jacques Saurin's *Historical, Critical, Theological, and Moral Discourses on the Most Memorable Events in the Old and New Testaments*,⁴² published in 1728. The fact that it was packaged as a commentary on God's advice to Samuel to lie when he arrived in Bethlehem is evidence of Saurin's familiarity (direct or indirect) with the Ricotier manuscript. It is a contradiction to say that God commanded evil in itself, and therefore lying must not be evil in itself, Saurin argued. For fifteen folio pages, Saurin explored the issue, using several of the other points in the Ricotier manuscript, citing many authorities on both sides of the issue, and rejecting Bernard's objections.

There are quite a number of indications that Saurin knew that his chapter might provoke criticism. For one thing, the chapter was written in the early 1720's but only published in 1728. For another, he moved the chapter from its original position at the beginning of the volume right after the first chapter (on Rahab, who was praised in the Bible for lying to save the Israelite spies in Jericho), specifically noting that it might be subject to sinister interpretations.⁴³ He began the chapter with many precautionary remarks, designed to deflect hostility. But they did not prevent the scandal.

A review of Saurin's book in the *Bibliothèque raisonnée* in 1729, attributed to Armand de La Chapelle,⁴⁴ sounded the alarm. Saurin's book was a seedbed for Pyrrhonism, and made God into a liar. These charges evoked defenses of Saurin by Antoine de La Barre de Beaumarchais in two volumes of the *Lettres sérieuses et badines sur les ouvrages des savans*, a set of furious counter-charges by La Chapelle in the *Bibliothèque*

⁴² Gregor Müller's *Die Wahrhaftigkeitspflicht* only knows Saurin's work in a German translation of 1746 (p. 332). His four-page discussion of the question, "Can God lie?", does not mention the Huguenot controversy, nor, for example, the case of Samuel (pp. 347-350). This book is a valuable compendium of Catholic sources and discussion of the morality of lying, with reference to the opinions of 93 Church Fathers, 73 pre-scholastics and early scholastics, 21 theologians from the 14th and 15th centuries, and more, with, however, only scant attention paid to non-Catholics.

⁴³ J. Saurin, *Discours historiques, critiques, theologiques, et moraux*, vol. 2, p. 431.

⁴⁴ *Bibliothèque raisonnée*, vol. ii, part I (1729), pp. 176-219. Note that La Chapelle's name appears on the Ricotier manuscript as presiding over the discussion in London. There is no indication in his published materials as to whether or not he remembered that session 24 years earlier.

raisonnée, and several more defenses of Saurin by François Bruys in the *Critique desintéressée des Journaux littéraires*, all journals published in the Netherlands. Saurin himself brought out a second edition of his *Dissertation on Lying* as a separate book, defending himself in the preface.⁴⁵ At this point La Chapelle instigated charges against Saurin in the Synods of Kampen and The Hague, and against the authors of the *Lettres sérieuses* and the *Critique desintéressée* in the Court of Holland. The upshot was that Saurin was acquitted in the Synods, partly because of his great prestige and partly because of an abject apology. Then he died of illness in the middle of the court proceedings. In 1731 the court condemned the doctrine of beneficial lies, and Saurin's supporters, the authors of the two literary journals that had come to his defense, were banished from the Netherlands, their journals confiscated, and the printers fined. Significantly, however, nothing was done about Saurin's "Dissertation", which remained in print in what was well known throughout the century as "Saurin's Bible".

It is not hard to see that devout Christians of any period might be unhappy with characterizations of their God as a liar. As it had been since Plato and the early Fathers of the Church, lying was a continuing issue in the seventeenth century, in contexts that ranged from the polemics between Dutch Cartesians and anti-Cartesians⁴⁶ to French Benedictines who wrote in criticism of the skeptical philosophy of writers like Simon Foucher.⁴⁷ There were, however, more specific resonances and implications of the beneficial lies controversy in the Huguenot Refuge. For one thing, the Huguenots had just been through experiences in which many of them had had to lie in order to survive.

Increasing pressures on the Huguenots in the decades leading up to the Revocation of the Edict of Nantes and its immediate aftermath had provoked lying in a number of ways. Children were forcibly removed from families and livelihoods and property were confiscated from those who refused to abjure their faith. Abjurations were rewarded with pensions,

⁴⁵ *Dissertation sur le mensonge*, second edition, 1730.

⁴⁶ See E. Van der Wall, "Scepticism in the Early Dutch Enlightenment", pp. 131-134. Descartes may have thought that he had answered any questions about a hypothetical deceiving God, but many readers could not get it out of their minds.

⁴⁷ A. C. Kors, "Skepticism and the Problem of Atheism in Early-Modern France", pp. 196-7.

privileges, and other benefits.⁴⁸ The number of "New Catholics" increased significantly, and few believed that most of them were sincere converts.⁴⁹ Many, after eventually leaving the kingdom, recanted, but they had to admit to themselves and others that they had lied to save themselves. Others remained in France and continued lying in order to hide their Protestantism until toleration was declared again in 1787. Forbidden by law to leave the kingdom, those who chose to flee instead of abjuring often had to lie in order to escape. No matter how justified, how noble, how beneficial, many Huguenots had lied about very serious matters.

Opinion was divided about what the Huguenot community should be doing in response to the Revocation. Some, like Bayle, recommended acquiescence and martyrdom. Others, like Jurieu, recommended heroic resistance. Neither of these thinkers recommended simple, non-heroic lying, which was nevertheless probably a common response. Those who defended beneficial lying in the controversies of the early eighteenth century may have been perceived as defending this common response. Those who attacked lying could take the moral high ground, insisting that lying was never justified.

The fact that many Huguenots had recently lied was only a part of the contemporary relevance of the issue of beneficial lies. There was also the philosophical or intellectual context. The issue created many cross-cutting loyalties and strange intellectual bed-fellows. Spinoza had come out against lying in no uncertain terms in his *Ethics*.⁵⁰ To oppose beneficial lies was to agree with Spinoza, at a time when most devout Huguenots understood Spinoza as the worst of atheists. Pascal had written that society is based on

⁴⁸ Materials about the pressures applied to the Huguenots can be found in most books about the Revocation of the Edict of Nantes. See, for example, E. Labrousse, *"Une loi, une foi, un roi"? La Révocation de l'Édit de Nantes*.

⁴⁹ It has been suggested that forced abjurations contributed to the spread of disbelief in all forms of religion. There has been no full study of the contributions of the "new Catholics" to subversive literature. However, at least one other influential manuscript, the "Réponse... à un theologien" by Abraham Gualtier, was written by a "new Catholic" in Niort, France, about 1710. See O. Bloch, "Scepticisme et religion dans la *Réponse à un theologien* du medecin Gualtier" and "Parité de la Vie et de la Mort". Forced conversions also had an effect on Catholic opinion: E. Haase cites the "Difficultés sur la religion", written by a Catholic who participated in the Dragonnades (*Einführung in die Literatur des Refuge*, p. 145).

⁵⁰ B. Spinoza, *Ethics*, Part 4, proposition 72. Nevertheless, he allowed people to break promises in certain cases, which might by analogy apply to lies: *Tractatus Politicus*, chapter three, section 17.

deceit, partly for the theological purpose of showing how fallen and insignificant earthly life is.⁵¹ But Pascal had also excoriated the Jesuits for lying in his *Provincial Letters*, so one could hardly cite him as a supporter of beneficial lies.

Lying to protect oneself from persecution was certainly not new in the history of humankind, and not even new in the history of Calvinism, the brand of Protestantism adopted by the French. One might have expected Calvinists like the Huguenots to make arguments from the authority of Calvin. More than a century before, Calvin had written *A Little Treatise Showing What a Faithful Man ... Ought to Do When Living among Papists* (1543) and *The Excuse of John Calvin against the Complaint of Messieurs the Nicodemites of His Too Great Severity* (1544), which were much reprinted and translated, along with letters and discussion of the matter in other works.⁵² What the faithful man ought to do was not to lie about his religion, but rather to assert it openly. "Nicodemism" was the name given to hiding one's religious beliefs to avoid persecution, as Nicodemus was reported to have done in the Bible (3 John 1-2). It is surely significant that neither the opponents nor the defenders of beneficial lies in the Huguenot controversy emphasized the writings of Calvin, but the import of this is not clear. Did they lack sufficient erudition to know about Calvin's writings? Did they completely dissassociate Calvin and Nicodemism from the Biblical lies of the Ricotier manuscript?⁵³

The chief philosophical sources cited by Saurin in justification of his position were Grotius, Pufendorf, Barbeyrac, Crellius, and Volzagues.⁵⁴ These were the Protestant natural lawyers who were also accused of a variety of heresies from Arminianism and Socinianism to crypto-Catholicism, as noted in general by the Ricotier manuscript. But Saurin makes no apology for drawing on them. Their writings already must have had enormous prestige if they could be cited in the absence of Calvin by a respected Huguenot pastor.

It was an uncomfortable paradox that defending beneficial lies might involve defending Catholics. The official justification for the Revocation of the Edict of Nantes was of the order of the "Big Lie": it was that there was no need for the Edict of Nantes now that there were no more

⁵¹ B. Pascal, *Pensées*, no. 100.

⁵² See the discussion in P. Zagorin, *Ways of Lying*, chapter 4.

⁵³ See Haase, *Einführung in die Literatur*, pp. 228-230 and M. Thomas, "Michel de La Roche" for the refugees' sometime distancing from Calvin.

⁵⁴ J. Saurin, *Dissertation sur le mensonge*, second edition, p. 18.

Protestants in France. This was patently untrue, and almost everybody knew it was. Pierre Bayle's first publication in direct response to the Revocation, *La France toute catholique*, began with an exploration of the idea that France wholly Catholic was also a France wholly of lies. "Lying has become so natural with you that you do not know how to stop even when it is not necessary...", his text charged the Catholics.⁵⁵ For a Huguenot to defend beneficial lies was tantamount to justifying the Catholics.⁵⁶

With respect to Saurin, it seems safe to rule out any sort of deliberate intention to use the beneficial lies conundrum to undermine faith. There does not even seem to be any intention to undermine the French monarchy. We have a report of a conversation in 1784 in which a speaker remembered hearing about "the famous address of Saurin to Louis XIV. 'And you, redoubtable Prince, whom I honored of old as my King,' &c.", which inspired French officers in his audience who were prisoners of war after the battle of Malplaquet to stand at attention.⁵⁷ If we may assume that he was asking Louis XIV to invite the Huguenots back, we can conclude that Saurin had not given up on returning to France with the blessing of the French monarch.

It is worth noting that the beneficial lies controversy reappeared on numerous occasions in eighteenth century Europe. Especially from mid-century on, writers debated the issues, albeit usually with little or no apparent knowledge of the Saurin controversy. Huguenot writers such as

⁵⁵ P. Bayle, *La France toute catholique*, ed. Labrousse, p. 40. Despite his indignation at the Catholics, Bayle himself evidently came around to the Pascalian position that, whether morally justified or not, beneficial lies are practically necessary. "Isn't it necessary for politicians to use a thousand lies to govern the people well?", he asked as a rhetorical question in his *Response to Questions of a Provincial* (1704), *Oeuvres Diverses*, vol. III, p. 708. See also various places in his *Nouvelles lettres* and other works where he takes lying for granted in social and political life. See also J. Kilcullen, *Sincerity and Truth*.

Jean Le Clerc also wrote against "pious lies" in his *Parrhasiana* (1699). See Haase, *Einführung*, p. 438.

⁵⁶ Note that the same sort of dilemma faced the English Catholics in the previous century. They had been taught that only heretics (including Protestants) lied, and then they were encouraged to lie to protect their religion. See J. P. Sommerville, "The 'New Art of Lying'", esp. p. 177.

⁵⁷ Letter from Dieu de Bellefontaine, "Sur la Vie et la prédication de Saurin", 22 mars 1829, preserved in the Bibliothèque de la Société de l'Histoire du Protestantisme in Paris, shelf-mark Ms 915/K.

the Chevalier de Jaucourt on "Mensonge" in the *Encyclopédie* and J.H.S. Formey in the *Mémoires* of the Prussian Academy for the year 1777 (published 1779) defended the beneficial lie.⁵⁸ Frederick the Great, after attacking lies for political manipulation in *Anti-Machiavel* (1740), written before he came to the throne, justified beneficial lying in his *Examen de l'essai sur les préjugés* (1770). His Prussian Academy announced a prize question in 1777 on the question "Whether it is useful to trick the people?".⁵⁹ Toward the end of the century, when the Swiss Protestant Benjamin Constant defended beneficial lies, Immanuel Kant dedicated an essay to refuting him.⁶⁰

We shall now turn to implications of the foregoing manuscripts for larger issues concerning freedom of the press.

3. *The principles and practice of the free press*

It is a remarkable fact about the history of freedom of the press that ringing declarations of the principles of the free press and the toleration of unorthodox ideas were few and far between until the late eighteenth century. The Dutch authorities in the early eighteenth century had made no such declaration. Neither had the authorities in Britain, the one other society that had a relatively free press at the time. The circumstances surrounding our two manuscripts and their eventual publication tend to confirm the view that freedom of the press was practice- and interest-driven rather than idea-driven.

It only makes sense to speak of freedom of the press if there is some powerful figure or group that wishes to limit publication of certain items that other people wish to publish. In seventeenth and eighteenth century Europe, the publication of the writings of other people's religions were what powerful figures and groups were most likely to try to suppress. Thus, the principles of freedom of the press were closely related to the principles of toleration of religion. The first major declaration of such principles was that of John Milton in *Areopagitica* (1644), in reference to

⁵⁸ See D. W. Smith, "The 'Useful lie' in Helvétius and Diderot" and L. G. Crocker, "The Problem of Truth and Falsehood in the Age of Enlightenment".

⁵⁹ A modern edition of the answers is W. Krauss, ed., *Est-il utile de tromper le peuple? Ist der Volksbetrug von Nutzen?*.

⁶⁰ See "On a Supposed Right to Lie from Altruistic Motives", in I. Kant, *Critique of Practical Reason and other Writings*, ed. L. W. Beck.

a bill in Parliament intended to limit the publications of certain sects. Milton's tract was only part of his contribution in several works to a campaign carried out by many writers on behalf of the toleration of those sects.⁶¹

It is perhaps not surprising that Milton should defend freedom of the press on behalf of freedom of religious conscience. What is more surprising is that the next great declarations of freedom of conscience of the late seventeenth century did not mention freedom of the press. Spinoza's *Tractatus Theologico-Politicus* (1670), Bayle's *La France toute catholique* and *Commentaire philosophique* (both 1686), and Locke's *Epistola de tolerantia* (written 1683, published 1689) were certainly poised on the brink of declaring the freedom to publish the matters of conscience that they defended, but they never spelled it out in so many words. Perhaps because they were concerned with the abstract principle, they never stooped to discuss the mechanics of the expression of the ideas through the material means of the printed word. It is something of a paradox that apparently the people who wrote of principle never discussed the practical manner of expression, while the writers and printers who actually tested the limits of toleration of the free press never raised claims of general principle (or at least none that have come down to us).

Mention of Milton's *Areopagitica* raises another set of significant points. One is that Milton's work did not have the intended effect of stopping Parliament from enacting censorship laws, so it could not be credited with any practical effect. Another is that Milton only called for freedom of the press for Protestants, not for Catholics, and thus not a universal freedom of the press. We may add to this that Milton himself served as a censor of books a few years later in 1651, which underlines the point that his call for freedom of the press apparently never had ruled out judicious censorship.

And finally, of relevance to the spread of the idea of freedom of the press as a principle, Milton's tract was no more than another shot in the pamphlet wars of the 1640's. It was not reprinted in the more solid form of a book until the 1697 edition of his *Works*. For the purposes of European diffusion, the several later reprintings in English (1698, 1738, 1780) would not have achieved wide audiences simply because few people outside England could read what was largely thought of as an uncivilized language. The first translations into German were published in 1783, and

⁶¹ See the discussion in E. Sirluck, ed., *Complete Prose Works of John Milton*, vol. 2, pp. 53-183.

the first translations into French were published in 1788 by Mirabeau. Milton had a bad reputation on much of the Continent from as early as the 1670's because of his championing of Cromwell and regicide in his Latin works, such as *Defensio pro populo Anglicano*.⁶² Contemporaries thought of him as a theorist of tyrannicide, not as a defender of freedom of the press.

If a principled defense of freedom of the press was not a part of the arsenal of writers and printers in the early eighteenth century, what can account for the relative freedom that Huguenots in the Netherlands, England, and elsewhere enjoyed? More than a century ago, Macaulay provided an explanation of the rise of freedom of the press in England that may be symptomatic of the general trend elsewhere, including the Netherlands, where our manuscripts were first published.

On Macaulay's account of the Parliamentary debates that led to the lapsing of the Licensing Act in 1695, Milton was never mentioned:

On the great question of principle, on the question whether the liberty of unlicensed printing be, on the whole, a blessing or curse to society, not a word is said. The Licensing Act is condemned, not as a thing essentially evil, but on account of the petty grievances, the exactions, the jobs, the commercial restrictions, the domiciliary visits, which were essential to it. It is pronounced mischievous because it enables the Company of Stationers to extort money from publishers, because it... detains valuable packages of books at the Custom House till the pages are mildewed. The Commons complain that it is made penal in an officer of the Customs to open a box of books from abroad, except in the presence of one of the censors of the press. How, it is very sensibly asked, is the officer to know that there are books in the box till he has opened it?⁶³

Although he did not publish them, we have manuscript memoranda from John Locke advising against the renewal of the Licensing Act in 1693 (when it was renewed) and 1695 (when it was not). "I know not why a man should not have liberty to print what ever he would speake. and to be answerable for the one just as he is for the other if he transgresses the law in either".⁶⁴ This is a principled argument, but the rest of Locke's reasoning is of a piece with Macaulay's report: it is practical problems, not principles, which militate against maintaining the Act.⁶⁵

⁶² See H.-D. Kreuder, *Milton in Deutschland*.

⁶³ T.B. Macaulay, *The History of England*, vol. 7, pp. 189f.

⁶⁴ E.S. De Beer, ed., *The Correspondence of John Locke*, vol. 5, p. 785.

⁶⁵ For more on this, see R. Astbury, "The Renewal of the Licensing Act in 1693 and its Lapse in 1695".

The same kind of explanation seems to have applied to the Netherlands. It was government exhaustion after the expulsion of the Spaniards in the late 1500's that first freed the press, and publishers' and booksellers' interests that kept it relatively free.⁶⁶

As far as our manuscripts are concerned, the driving forces behind their circulation and eventual publication and the scandals they created seem to have been largely personal and economic. We have already mentioned the price incentive created by rumors about the tract on "The Three Impostors". Market demand may have been part of the incentive for the author who put together the French version of "The Three Impostors", and it almost certainly was for the editors and booksellers who traded in the manuscript and eventually brought it out in print. In 1714-16, Baron Hohendorf, Eugene of Savoy's librarian, was acquiring copies of the French and Latin versions for his patron, and paying good money for them.⁶⁷ When French police cracked down on circulation of the manuscript in Paris in the 1740's and 1750's, the high social class of the purchasers stands out.⁶⁸ Among other characteristics, these were people who could afford to pay high prices for juicy manuscripts.

Much of the history of the piece is the history of its marketing. For example, there seems to have been a concerted pre-publication public relations campaign prior to the 1719 publication. As far back as 1693 one Bernard De La Monnoye had written a letter to Bayle claiming that no such thing as a tract on the three impostors actually existed. This was reprinted in 1715 in Paris and Amsterdam, and in 1716 a *Réponse a la Dissertation de M. de la Monnoye* appeared, followed by De La Monnoye's answer in the same year. The *Réponse* has been attributed to Rousset de Missy and seems to have been designed to stir up public interest; it was often included

⁶⁶ See H.F.K. van Nierop, "Censorship, Illicit Printing and the Revolt of the Netherlands"; S. Groenveld, "The Mecca of Authors? States Assemblies and Censorship in the Seventeenth-Century Dutch Republic"; H.A. Enno van Gelder, *Getemperde vrijheid*, pp. 151-190; and G.C. Gibbs, "The Role of the Dutch Republic as the Intellectual Entrepôt of Europe".

⁶⁷ On prices for the French version, see Prosper Marchand, *Dictionnaire historique ou mémoires critiques...* (De Hondt, 1758-59), vol. 1, p. 325 (50 florins, at a time when the four volumes of Bayle's *Dictionary* sold for 60 florins, and 50-60 florins was the monthly salary of a Calvinist minister). On prices for the Latin version, see Marchand, *Dictionnaire*, vol. 1, p. 323, where it is reported that Eugene paid 80 Reichsthaler.

⁶⁸ See M. Benítez, "Autour du 'Traité des trois imposteurs': l'affaire Guillaume" and "La diffusion du *Traité des trois imposteurs* au XVIIIe siècle".

in later manuscripts of "The Three Impostors". Further marketing strategies are suggested by Marchand: Levier may have kept off of the market the copies of the printed version that were (allegedly) burned in order to demand a higher price for them because of their rarity; it was also purportedly reprinted in 1721 under a different title, to trick buyers into buying it again.⁶⁹

The Huguenot refugee (and editor of Locke and Bayle) Pierre Des Maizeux had been trying to publish "La Vie de Spinoza" as early as 1712, and it was also eventually published separately in the *Nouvelles Littéraires* in 1719, only to be followed by an apology from the editor in the next issue.⁷⁰ Publishers knew that notoriety could increase sales, and at the same time that too much notoriety could lead to suppression of their journals. Later copies of the Latin version of "The Three Impostors" were often dressed up in a fake medievalism in order to justify higher prices.⁷¹

Economic interests also explain a good deal of the beneficial lies controversy. Saurin's supporters in the paper wars of 1729-1731 were both newcomers to the Netherlands, young men trying to make their careers. They may have jumped to his defense in part to obtain an influential literary patron, and in part to create demand for their journals. They may have been punished more for being small fry and available to take the brunt of clerical anger, while the distinguished author of the "Dissertation" remained untouched.⁷²

The beneficial lies controversy also points to another driving force behind the testing of the limits of official toleration of heterodox ideas and the enforcement of those limits. It is quite likely that the authorities would never have intervened in this matter, which could be seen as a tempest in a teapot, if Armand de La Chapelle had not insisted. He brought the charges in the Synods and instigated the charges in the Court of Holland. The Court was going to decide the case without any published report, but he insisted on a public statement and even drafted most of the final

⁶⁹ Marchand, *Dictionnaire*, vol. 1, p. 325.

⁷⁰ J. Almagor, *Pierre Des Maizeux (1673-1745)*, pp. 111-113.

⁷¹ See, e.g., Gericke, "Die handschriftliche Überlieferung", p. 26.

⁷² It is also remarkable that both of these authors were ex-Catholics from France who converted to Protestantism while in the Netherlands, and returned to the Catholic Church when they returned to France. Were they originally "new Catholics"? Were they *agents provocateurs*? From what little we know, they appear to have been no more than men of letters trying to make an independent living from their pens.

published report.⁷³ His driving motivation, it was widely recognized, was jealousy, envy, and personal rivalry with Saurin.⁷⁴ And just as such personal motivations were sometimes behind censorship efforts, they were also often behind the publication of unorthodox materials.

The concluding point here is that we have no declarations of the principle of freedom of the press in any of the materials surrounding the circulation and eventual publication of these two manuscripts. Practices, interests, and personal animus seem to have determined the limits of the free press.

4. *Special circumstances of the Huguenots in the Netherlands*

We have already pointed out that many special features of the Netherlands in this period helped determine the fates of our two manuscripts. Without any declaration of freedom of the press, the Netherlands did in fact enjoy one of the freest presses of the day, rivalled only by Britain.

One factor which made for such freedom was the peculiar situation of the francophone press in the Netherlands.⁷⁵ Almost all of the figures surrounding our manuscripts were Huguenot exiles from France. The Dutch authorities could tolerate greater freedom of the francophone press for a number of reasons. One was that even if it was expressing subversive ideas, those ideas would be largely limited to the francophone community and bilingual members of the Dutch elite. There was no real fear that subversive ideas published in French would spread among broad strata of the Dutch citizenry. Another was that much of the market for the francophone press was in France; any subversive ideas would be more likely to harm that mortal enemy of the Dutch, the court of France, than their own country. Since many of the Huguenots were "vindictive

⁷³ Jaques George de Chauffepié, *Nouveau dictionnaire historique et critique* (Amsterdam, 1750), vol. iv, p. 181.

⁷⁴ In their periodicals Bruys and Beaumarchais accused La Chapelle of envy, and notes collected by Marchand (now in March. 50) make fun of him. This point is reiterated by most of the later sources, including the letter from Dieu de Bellefontaine quoted above at note 57. See J. C. Laursen, "The Beneficial Lies Controversy", for detailed references.

⁷⁵ See G.C. Gibbs, "Some Intellectual and Political Influences of the Huguenot Emigrés in the United Provinces, c. 1680-1720", and the references in note 66 above.

refugees",⁷⁶ the Dutch authorities who gave them refuge could usually count on their support and their animus against Catholic France. It seems quite likely that in the *cas Saurin* the Court of Holland was more motivated by the desire to put a lid on a local scandal than by any systematic program to censor ideas and the press.

A second factor is that the press was big business for the Netherlands, and they knew it. In what was above all a commercial republic, general religious toleration was based on the economic disutilities of persecution.⁷⁷ A common response to claims of the need for censorship was that it would hurt the publishing business and drive printers and writers abroad.

A third factor was the federal system of government. Books banned in one jurisdiction were not necessarily banned in another. Some books even advertised that they had been banned in such and such a place in order to pique curiosity and increase sales in other places.⁷⁸

The upshot of all this was that books were banned relatively seldomly in the Netherlands in our period. In one count, from 1705 to 1731 only some 28 books were banned by various Dutch jurisdictions, and few of them were in French.⁷⁹ No count of the total number of books published in French is available,⁸⁰ but the number must have been large, since one author gives a tentative count of more than 100 members of the Walloon church active as booksellers/publishers in Amsterdam alone in the years 1680-1725.⁸¹

To speak very generally, half or more of the banned books in this period were banned on religious grounds, for atheism, Spinozism, or attacks on the Dutch Reformed Church. Most of the rest were banned for direct slander of powerful neighbors such as Prussia or France, and for attacks on local authorities. Active members of publishing circles such as the people connected with our two manuscripts would have known that they were courting prosecution with such potentially scandalous works, but they also would have known that the authorities rarely acted and that if they

⁷⁶ This phrase is borrowed from Hatin, *Les Gazettes de Hollande*, p. 177.

⁷⁷ See, e.g., H. Méchoulán, *Amsterdam au temps de Spinoza*.

⁷⁸ S. Groenveld, "States Assemblies and Censorship", p. 80.

⁷⁹ W.P.C. Knuttel, *Verboden Boeken in de Republiek der Vereenigde Nederlanden*, p. 137. (This listing is not complete; see A.H. Huussen, Jr., "Freedom of the Press and Censorship in the Netherlands", for some cautions.)

⁸⁰ H. Furstner, *Geschichte des niederländischen Buchhandels*, p. 74.

⁸¹ G.C. Gibbs, "Some Intellectual and Political Influences", p. 272.

were discreet, they could probably get away with it.

5. *From practice to theory*

Our manuscripts did not disappear from the scene with the deaths of the Huguenots who were involved with their production and publication. "The Three Impostors" was one of the most widely circulated clandestine manuscripts of the century. Over two hundred copies have been found, from Poland to Scotland to Italy. And the manuscript and the first printing were by no means the whole story. D'Holbach brought out a printed version in 1768,⁸² followed by further printed versions in 1775, 1777, 1780, 1793, 1796, and 1798. The first two of these later editions made it onto the Vatican's *Index of prohibited books* in 1783. A German translation was published as *Subiroth Sopim* ("Impostoribus" backwards), apparently in Berlin, in 1787, and an English translation was privately printed in 1904.

The diffusion of the ideas in "The Three Impostors" tract was wide. Voltaire drew on the theme in his "Letter to the Author of 'The Three Impostors'" of 1769,⁸³ evidently written shortly after d'Holbach's edition was published. A manuscript of Voltaire's poem turns up in the archives of the Mexican Inquisition.⁸⁴

The importance of the circulation of "The Three Impostors" has only begun to be evaluated. As Gericke writes of the Latin version, often bundled with the French version in eighteenth century manuscripts, "no future interpretations of the period of the Enlightenment should be published without taking into serious consideration the importance and spread of the Three Impostors manuscripts and printings".⁸⁵ This should include everything from conservative to post-modern attempts to reevaluate and reject or reinterpret the so-called "project of Enlightenment".

Turning to our other manuscript, we can report that the "Beneficial Lies" controversy was not soon forgotten. We have already cited the letter of 1829 from the Genevan Pastor Dieu de Bellefontaine, which demon-

⁸² For a modern reprint of this edition, with an introduction, see P. Rétat, ed., *Traité des Trois Imposteurs*.

⁸³ *Œuvres complètes de Voltaire*, Paris, 1877, vol. 10, pp. 402ff.

⁸⁴ M. Águeda Méndez, ed., *Catálogo de textos marginados novohispanos*, p. 108, #593.

⁸⁵ Gericke, "Die Handschriften", p. 55.

strates continued interest in Saurin. English editions of Saurin's *Sermons*, published in London (1800), New York (1803), Concord (1806), and Schenectady (1813), usually mentioned the unfair treatment of Saurin in the beneficial lies scandal. Several books on Saurin in the 19th century in French and Dutch included substantial coverage of the scandal.⁸⁶

But perhaps the most important reappearance of the beneficial lies controversy for our purposes was its role in the first substantial French-language principled defense of freedom of the press. That was the third-generation Huguenot exile Elie Luzac's *Essay on the Liberty of Expressing One's Thoughts* (1749).⁸⁷ It had been preceded by Milton, as we have already seen, and by a number of other English-language defences ranging from Daniel Defoe (1704, 1715) through John Asgill (1712) and *A Brief Narrative of the Case and Trial of John Peter Zenger* (1736).⁸⁸ But those articles and pamphlets had not been quickly translated into other languages, and do not appear to have influenced Luzac's work.

The immediate purpose of Luzac's book was a defence of his own test of the limits of freedom of the press in the Netherlands, publication of La Mettrie's *Man a Machine* (1747). This was a materialist tract, immediately accused of atheism and Spinozism (just like "The Three Impostors"). In his preface, Luzac pointed out that he did not agree with the work, but that the principles of freedom of the press justified its publication. Critics were not satisfied, however, and the book drew published objections from Pierre Roques, pastor of the French Church in Basel, and from Luzac's erstwhile friend, J.H.S. Formey in Berlin. Luzac was called in by the Walloon Consistory in Leiden and ordered to hand over all copies for burning and to promise never to print anything like that again. Luzac handed over many copies, but wrote to a friend of his intention to distribute the book after the scandal had blown over. A few years later he published *Man more than a Machine*, to prove that he had never agreed with the message of the

⁸⁶ C. Busken Huet, *Jacques Saurin en Theodore Huet*; J. J. Van Osterzee, *Jacques Saurin*; J. Gaberel and Des Hours-Farel, *Jacques Saurin*.

⁸⁷ *Essai sur la liberté de produire ses sentimens*, vi & 124 pages, octavo. I am grateful to Dr. W.R.E. Velema for providing me with a photocopy of the *Essai*.

⁸⁸ One could also read much of Bayle's work, for example, as an extended defense of liberty of the press, although he did not spell it out in so many words. The point here is that Luzac packaged his argument in a book dedicated exclusively and self-consciously to this theme.

book.⁸⁹ But the chief outcome of this episode for our purposes was the publication of his own book in defence of freedom of the press in 1749.

Luzac's defense of freedom of the press in general was largely a principled one, with a noticeable Huguenot tone. His epigraph was from Jean Barbeyrac:

It must be asserted that it is not so much prejudices of the spirit as illusions of the heart and the tyranny established in the world on the subject of Sentimens [thoughts or opinions], that form the grand obstacles to the serious study of morality, and of an exact knowledge of our duties.⁹⁰

He also drew on Barbeyrac for the Baylean argument in defence of the erroneous conscience: "according to the principles of good morals, each person should follow their own persuasion, even if it is an erroneous conscience, as Mr. Barbeyrac has well remarked".⁹¹

Luzac's use of Barbeyrac instead of Bayle suggests a certain distancing from that earlier giant of the *Refuge*. And where Bayle was mentioned, it was often with a negative twist: Bayle could be accused of making bad use of logic in order to trick others (p. 38). But even the negative remarks turn out to defend Bayle's freedom to express his opinions: Bayle may have been wrong when he asserted that superstition is worse for a state than atheism (p. 76), but does anyone pretend that counselors of state could do any better in resolving that question? (p. 91). This is different from Luzac's attitude toward Hobbes, who is consistently described as making use of weak arguments to bridle people's thoughts (e.g. pp. 10, 93).

For the rest, Luzac provided a catalogue of reasons for liberty of expression that include most of those later adopted by John Stuart Mill. Luzac argued that no one had a natural right to limit another's freedom of

⁸⁹ For the foregoing information in this paragraph, I have relied on W.R.E. Velema, *Enlightenment and Conservatism in the Dutch Republic*, pp. 6ff.

⁹⁰ "Il faut avouer que ce ne sont pas tant les préjugés de l'Ésprit, que les illusions du Coeur, & la tyrannie établie dans le monde au Sujet des Sentimens, qui forment des grands obstacles à l'étude serieuse de la morale, & à une connoissance exacte de nos devoirs" [Barbeyrac, Preface to Pufendorf's *Droit de la nature et des gens*].

⁹¹ *Essai*, p. 13: "selon les Principes de la bonne morale, chacun doit suivre sa propre persuasion, & même les mouvemens d'une conscience erronée, comme Mr. Barbeyrac l'a très bien remarqué" [citing Barbeyrac's translation of Pufendorf, *Devoirs de l'Homme*, Ch. 1, section 5, note 1]; also see *Essai*, pp. 100, 115 for further use of Barbeyrac's authority.

expression; rejected the view that ideas would undermine society; argued that falsity refutes itself. On the one hand, censorship prevents us from finding the truth and creates hypocrisy. On the other, the only good reason for censorship was to hide the faults of a bad government. Of course freedom of the press could be abused, but all good things could be, too. Naturally, Luzac wrote, he was not defending libels, nor even fiction.

Luzac's book was not only a dialogue with great names like Barbeyrac, Bayle, Leibniz, and Hobbes, nor was it only phrased in general principles. There was, in fact, a discussion of the specifically Huguenot *cas Saurin*. In his defense of freedom of the press, Luzac brought up the point that

in Holland it is, if I am not mistaken, forbidden to teach [the doctrine of] beneficial lies, among other things. It is equally forbidden to defend them in writing, such that it is no less malicious and ridiculous to believe that it is permitted to save a neighbor from a brigand by lying than to believe that there is no God. Nevertheless, it does not require a great genius to prove that beneficial lies are justified by the principles of natural religion, and that they cannot be contrary to true virtue, in spite of all that the malice of Mr. de La Chapelle could suggest for the deduction of hateful consequences...⁹²

The issues raised by Ricotier's manuscript in 1705 were thus immortalized in what is apparently the first extended principled defense of freedom of the press in French.⁹³

⁹² Luzac, *Essai sur la liberté*, pp. 67-8: "on a, si je ne trompe, défendu entre autres en Hollande d'enseigner le mensonge officieux. On a même défendu de le soutenir par écrit, de manière, qu'il n'étoit pas moins honteux & ridicule de croire, qu'il étoit permis de sauver par un mensonge son prochain des poursuites d'un Brigand, que de croire, qu'il n'y a point de Dieu. Cependant il ne faut pas un grand génie, pour prouver, que le mensonge officieux résulte des principes de la religion naturelle, & qu'elle ne peut être contraire à la véritable vertu, malgré tout ce que la malice a pu suggérer à Mr. de La Chapelle, pour en déduire d'odieuses conséquences..."

⁹³ Luzac's book was translated into Dutch (by Luzac's political opponents at that time) in 1782 (Velema, *Enlightenment and Conservatism*, p. 22). Luzac contributed to free press debates in other ways, as well. His answer to Pastor Roques was published in the *Nouvelle Bibliothèque Germanique* in 1750. Then, in 1770, he intervened in the Dutch-language debate over a proposed censorship law, publishing an 87-page "Memorie" against it in the *Nieuwe Nederlandsche Jaerboeken*, vol. 5 (1770) (see Velema, *Enlightenment and Conservatism*, pp. 12-13, 76ff.). This last brought up practical and technical problems with the proposed law, but also developed principled arguments. It apparently represents the assimilation of Huguenot and French-language principles of freedom of the press

6. *Conclusion*

There was a time when writers would regularly credit Hume, Voltaire, Rousseau, Madison, or John Stuart Mill with inventing numerous significant elements of liberal political theory. That time seems to be over, with more and more specialists in those figures recognizing that their contribution was often more in the nature of providing the rhetoric and systematization that gave those ideas wide publicity. But that leaves the question: who did invent those ideas? This essay cannot, of course, provide a full answer to that question. But our review of two eighteenth century manuscripts that circulated in Huguenot circles suggests the direction in which we must look.

Our inquiry suggests that the great liberal ideas may not be the products of any one or few figures, nor even of great thinkers at all. They may have emerged at the grass roots level among men and women of letters who were simply trying to make a living and express their opinions. Hostile environments, such as those faced by the Huguenots both at home and abroad as refugees, evidently stimulated some of them to produce radical thoughts for their time. Forbidden from publishing everything that came to their minds, they participated in a tradition of clandestine manuscripts that circulated brave new ideas that would one day emerge as part of liberalism.

Naturally, some readers will remain unconvinced that such large claims should be made from an analysis of two manuscripts. Perhaps they will be provoked into exploring the world of those manuscripts in order to refute those claims.

By the time we reach Luzac and the first substantial statement in French of the liberal principles of freedom of the press, we have come a long way from the two manuscripts of almost half a century earlier with which we began. It would be too simple to declare that liberalism is a response to the discovery that the world is full of impostors and liars. We have certainly not explored the whole story of the etiology of liberal principles. But it is worth observing that liberals today still discuss the dangers of fraud and impostorship and defend the beneficial political role of lies and hypocrisy.⁹⁴

into the host-country debates.

⁹⁴ See J.A. Shklar, *Ordinary Vices*, and D. Nyberg, *The Varnished Truth*.

Appendix to Chapter Three

English translation of "Dissertation sur le Mensonge Officieux" by Pierre Ricotier.¹

Dissertation on Beneficial Lying by Mr. Ricotier, read in London, at a literary society, with Mr. de la Chappelle presiding, May 7, 1705.

Everyone knows that beneficial lying means lying by which one intends to do good to another without doing harm to anyone. People debate in order to decide whether this kind of lie is permitted or not, i.e. whether lying in this way is a transgression or not. The debate is of long standing, for I find that the Fathers of the Church disagree on this matter. St. Jerome, St. Chrysostom, Tertullian and several others thought beneficial lying permitted. But since St. Augustine, who declared himself against this kind of lie, the general opinion has been that these lies are so many sins, lesser in fact than sins committed *dolo malo* [with fraud or deceit], but sins nonetheless. I am convinced that the authority of this Father has in no small way contributed to establishing this opinion, because the respect that subsequent centuries had for him was so great that his writings were placed almost on a par with the sacred books. However, St. Augustine himself does not seem to have been entirely consistent in his rigid opinion, for in a sermon that we have from him on the story of the midwives of Egypt, he was unable to stop himself from saying: *O! magnum humanitatis ingenium! O! pium pro salute mendacium!*² However that may be, the

¹ Translation by John Paul McDonald, University of North Carolina at Asheville. Material in brackets and footnotes supplied by the translator. The original manuscript may be consulted in the Dousa Rare Book Room at the Library of the University of Leiden, Marchand Collection, March. 50, folios 12-17. The full title of the manuscript is "Dissertation sur le Mensonge Officieux, par Mr. Ricotier, lue à Londres, dans une Société de Gens de lettres, ou Mr de la Chapelle presidoit, le 7 mai, 1705." A transcription of the French manuscript, also by John Paul McDonald, may be found in J.C. Laursen, "The Beneficial Lies Controversy in the Huguenot Netherlands", *Studies on Voltaire and the eighteenth century*, vol. 319, 1994, pp. 97-103.

² "O great human cleverness; O virtuous lie on behalf of salvation!"

defenders of beneficial lying are today a small flock. If you except a few Socinians, whose name alone disgusts, and a few Politicals,³ who according to many are scarcely better, the whole Protestant and the whole Papist world is in agreement in condemning this lie. Who would have thought it? Even the laxest casuists, the Escobars, Sanchezes, Vasquezes, speak on this point with the same rigor as the most severe moralists. It is true that these good people significantly soften this rigidity, which was unexpected of them, with the equivocations and the mental reservations that they permit. But after all, even they have found it fitting, for reasons unknown to me, to condemn lying absolutely and without exception. In truth they contradict themselves pitifully, but it does not matter - that is not the only foolishness that these gentlemen are seen to commit. I frankly admit that the small number of partisans of beneficial lying surprises me. I do not like being alone in my opinion, and I call being alone having on one's side only a Grotius, only a Crellius, only a Pufendorf, all of them truly brilliant men, but because of their singular opinions so distrusted by the orthodox that I would a hundred times rather appear before the latter accompanied by the most miserable Church Father, even of the eighth or ninth century, than accompanied by these gentlemen, no matter how clever they are. But truth must not suffer on account of the mistrust in which these gentlemen are held. They may well have encountered it [truth] in this as well as in many other things, and after all, even were they blacker than they are, *pulchrum est ab hoste doceri*.⁴

The solution to this problem depends in my opinion on the idea one forms of lying in general. Here is the idea that I have of it: lying consists, according to me, in the opposition between one's internal thought and what one intends to communicate to others or to persuade others, by means of external signs by which we communicate to each other our thoughts. This definition includes three things which I believe essential for the understanding of this question. First, that lying consists in the opposition between internal thought and external signs. Second, that the intention to deceive by persuading of something false necessarily enters into the idea of the lie. For a man who without planning to deceive anyone says the contrary of what he thinks does not lie. For example, I am alone, and

³ *Politiques*. The name given to certain French political leaders who tried to steer a more tolerant course during the French Wars of Religion and thereafter.

⁴ "It is pleasant to learn from one's enemy". Ovid, *Metamorphoses*, 4.428 (bis).

reflecting on some subject it happens that I pronounce out loud a proposition that I know to be false; I don't think of convincing anyone of it, because no one is listening to me; is there a lie in that? No; what is most essential in lying, what makes it a transgression, is in my opinion the intention to deceive. The third thing that my definition includes is that one can lie by gestures or by certain bodily actions designed to signify certain things, as well as by speaking. I believe this to be incontestable. For in the final analysis speech is an external sign just as are gestures, and one and the other serve for the communication between us of our thoughts. And who is unaware that in making certain significant gestures one can wound sincerity just as if one were speaking? Are we to believe that mutes are exempt from the general rule which says that *every man is a liar*?⁵ One sees them especially in Turkey, telling long stories with all their circumstances, to the least detail, and expressing by gestures everything that other men are capable of expressing with the tongue. It is even said that the pages and officers of the seraglio, who draw near to the person of the Grand Signor, before whom it is a lack of respect to speak [directly] into his ear, understand this language perfectly and speak it with great ease. Without going so far, in Spain and in Italy, where women are enclosed, this mute language is very much in fashion, I leave it to be guessed why. In conscience, if a man tells us in this language a thing which he knows to be false, in order to entice the one to whom he speaks into the trap that he is holding out, will he be exempt from lying? I do not think that anyone would want to say that. I repeat, therefore, that when one deceives his neighbor intentionally by speech, by writing, by actions, by gestures, no matter how one looks at it, it is always lying. I would like notice taken of this, because it is on this point that I am counting for the solution of the problem proposed. It is thus a question of knowing whether lying is always unlawful, and whether there are not privileged cases, where it might be permitted to say the contrary of what one thinks? Here are the arguments that are used for proving that there are such cases.

I. The example is evoked of several characters, such as Abraham and Isaac, who to extricate themselves from certain dangerous situations in which they found themselves, had no difficulty lying. But I do not insist on this, because those whom I am disputing are wont to stop people short here, saying that it is true that Abraham and Isaac did it, but so much the worse for them, that they sinned in so doing. I would say in my turn that

⁵ Psalms 116:11, Romans 3:4.

it is neither handsome nor honest to treat so cavalierly such venerable persons as were the Father of Believers and his son. And armed with the authority of St. Irenaeus, somewhere in whose works I found the following words: *de quibus scripturae non increpant, sed sunt simpliciter positae, nos non debere fieri accusatores*,⁶ which would prevent me from putting on airs and from being intransigent in this argument. I prefer, however, to yield and to abandon it voluntarily. One must in good faith recognize that because scripture neither approves nor disapproves the action of these holy men, one can conclude nothing, neither for nor against. But here are two lies that suit me better, because God not only approved them but rewarded them: I speak of the lie of the midwives of Egypt, and of that of Rahab, whose story is known to everyone. People answer, rather coldly in my opinion, that what God approved and rewarded in these people was not their lying but the zeal and charity in their action. They think they have fully satisfied the question by this distinction. But it seems to me not very solid, to say nothing worse. I prove [this] by the principles of the very ones who use it. They all agree that an action could not be good when one uses evil means to achieve it. I approve the maxim and I think that in good morals it is incontestable. Well, supposing this rule, I say that according to the principles of those whom I combat, the action of Rahab, for example, is untenable. According to St. Paul and to St. James the goodness of the action of this woman consists in her saving the spies' lives; she saved them only by using an enormous lie. Every lie is a sin; when the means used to accomplish an action is a sin, the action itself could not be good. Thus, following the principles of those who believe that every lie is a sin, the action of Rahab will be entirely evil, and consequently St. Paul and St. James will have been wrong to praise it. God himself, according to this, should not have rewarded it. That is where one must end up when, no matter what the price, one desires to uphold the opinions which I combat. Is it not a thousand times better to recognize that there are innocent lies and the Rahab's is of this number, rather than to expose oneself to consequences as absurd as those which follow necessarily from the opposite opinion? As for me, I find that the shortest solution is to say of Rahab what the poet said of the celebrated Hypermnestra: *Splendide*

⁶ "We should not become reprovers of those things which the scriptures do not rebuke, but which are simply stated".

*mendax, et in omne virgo nobilis aevum.*⁷

II. What I have done up to here is properly speaking only a skirmish in comparison with the two arguments left to me, and which are sufficient in my opinion to guide the debate. The first is taken from the way in which Jesus Christ acted toward the two disciples he encountered on the road to Emmaus. Here is the story as St. Luke reports it (Luke XXIV). After the Lord had left the tomb, he went along the road to Emmaus, where he joined two of his disciples who were going to that village. The disciples, who believed him to be still in the tomb, did not recognize him, and Jesus Christ did not judge it opportune to make himself known to them yet. While yet chatting, they arrived at the lodging. It was a question of parting; the disciples, who had found the conversation of this stranger to their liking, begged him to stay with them. *He resisted and pretended to be going on further*: these are the Evangelist's own words. Finally, after several entreaties, he lets himself be persuaded and stays: that is how it happened. Well, I say that it seems, both by the gestures that the Lord made and by the discourse which he apparently held on this occasion, that he did something equivalent to lying. Because lying, as I put it at the outset, consists in the intention to persuade others of a thing which one does not believe and which one does not wish to do. Well, that is what the Lord Jesus did. He wished to stay with his disciples, and yet he said and did things that indicated the contrary. *He pretended to be going on further*, says the Evangelist. I know only two responses one can make to this argument. The first supposes that Jesus Christ did not speak, that he was satisfied with making some sign or some movement of the body, which made his disciples suspect that he wanted to go on further, by means of which one contends that there was no lie in what he did. But I have already refuted this evasion earlier on, in the maxim which I posited at the beginning, that one lies just as well by signs as by words, besides which it is hardly probable that all the compliments that were then made on both sides were compliments in the style of the seraglio. The other response supposes that Jesus Christ had in fact resolved to go on further, supposing that the disciples had not decided to detain him. I acknowledge that this last argument is a little better than the preceding one, but after all it does not seem to me to satisfy. For in the final analysis my argument is well founded on the action of Jesus Christ but does not derive all its force from that.

⁷ "Splendidly lying, [she was] a noble maiden for all the ages". Horace, *Carmina (Odes)*, III, xi, 35-36.

I base myself principally on the expression of St. Luke, who says that Jesus Christ *prosepoieito, simulabat, prae se ferebat*. Well, saying that is saying in Greek what we say in French, *faire le semblant et la grimace* [to pretend and to put on a face]. I imagine besides that a scene took place here between Jesus Christ and his disciples a bit like what we see every day, when it happens that one man begs another either to dine or to enter his home, and that the other, to have himself asked [again], pretends not to want to, with the exception of course that the nonsense and foolishness that our people are wont to blurt out on these occasions were not [a part of that scene]. The second argument seems to me no less powerful. It is taken from chapter XVI of the First Book of Samuel. I am surprised that no defender of the beneficial lie has made use of it; at least I know that neither Limborch nor Grotius has used it. Their silence made me think for some time that I was going amiss, but the more I examined [the argument], the more I found it to be decisive. Here is what it consists of: God, unhappy with Saul, resolves to take the crown of Israel out of the family and to give it to David, son of Jesse. He speaks to Samuel, and says: *Fill your horn with oil, and come, I will send you to Jesse the Bethlehemite, for I have provided for myself one of his sons as king*. This command surprises Samuel, who foresaw right away its consequences. *How can I go there?* he said; *if Saul learns about it, he will kill me*. Samuel knew that Saul was a suspicious and jealous prince; he knew moreover that he spied on his actions, ever since he had signified on behalf of God that the kingdom of Israel would be taken away from him and given to another more worthy of it. On that score he feared that Saul, warned by his spies, would do him some harm. To reassure him, God provides him with an expedient, which in my opinion is very much like a lie if not a complete lie; he tells him that he has only to pretend to be going to sacrifice, and to take along with him, in order better to conceal his intentions, all the makings of a sacrifice, and that if anyone asks him what he is coming to Bethlehem for, he has only to answer that he has come to perform a sacrifice. It seems from this that the real purpose of Samuel was to go perform the ceremony of anointing one of the children of Jesse. Second, it seems that he goes about it with a firm resolve to deceive Saul's spies, and to hide from them his real intention. Third, it seems that God himself authorizes that end for him. Samuel goes to Bethlehem as a result of the order he had received, and he has no sooner arrived than a terrified panic spreads among the local populace. They ask him what he has come to do. *Have you come peaceably?* they say to him, i.e., what is the purpose of your coming? *Have you come peaceably?* or are you coming to do something at which Saul might

take umbrage and show us his wrath? That is plainly the sense of this questioning and the reason for their fear. For in addition Samuel was a holy man, recognized as such, and whose arrival in the town of Bethlehem could not hurt the inhabitants of that town, except on the supposition that the reason for his coming could incite Saul, who was an impatient prince, against them. Samuel, who was not ignorant of their thought, answered them coldly that he had come to sacrifice. I know that he actually did sacrifice, but it was not at all for that that he had come, and the Bethlehemites asked him what was the real purpose of his coming? Thus I say that he did on this occasion something analogous to lying. For in the final analysis the rules of sincerity demand that I answer precisely to the known intention of those who question me, and that is so true that if a person intending to ask me one thing asks me the exact opposite, mistaking the terms, I lie if I insist on answering his words without bothering about his intention. I am aware that one can quibble on this point, but I do not think that one can answer it solidly. The consequence, moreover, supposing the strength of the argument, is not difficult to draw, and if one agrees to what I have just said, it follows that beneficial lying is permitted and legitimate. There would be yet more to say, but I am afraid of exceeding the limits prescribed for our talks.

I end, then, by replying briefly to the objections people have against this idea. 1. They confront me with a crowd of authorities, poets, orators, Fathers of the Church, historians, etc. I admit that if it were necessary to count the voices and side with the greater number, I would have lost my case; but I submit that number is irrelevant here. After all, beneficial lying has its poets, its orators, its Fathers of the Church, its historians, as well as the opposite idea. 2. They allege [to me] the decisions of Scripture, which thunder against lying without exception, and they very much insist on the universality of prohibitions: *You will keep far from every false word* (Exodus XXIII); *God will destroy all those who profess lies*.⁸ They say that lying is the devil's trait: St. John says that *he is a liar, and the father of lies*.⁹ They say finally that the Gospel clearly says that *the lot of liars is etc.*¹⁰ All of that is very fine, and I submit willingly to these findings, but I ask those who bring these passages as proof whether there is, in passages where lying is condemned, a greater universality than in these

⁸ Proverbs, 19:9.

⁹ John 8:44.

¹⁰ Revelation 21:8.

words: *Thou shalt not kill, thou shalt not steal?*¹¹ Who doubts, however, that there are occasions when it is permitted to kill, to take another's goods, to desire the servant or maid of the neighbor? And so this objection is good only *per la predica* [for preaching], as the Italians understand it. 3. Here is a third [objection], which is no better. They say that if the doctrine of beneficial lying prevails, society will be ruined, trust banished from the earth, and a thousand other similar horrors. I answer that there is in that more declamation than solidity. I need no other proof of that than what happens in the world: although one goes on in the pulpit and professes to believe that lying of whatever sort is evil, does one let go by an occasion to use one of these beneficial lies of which I am speaking? I am convinced that of the thousand occasions that afford the opportunity to lie beneficially, the most severe do not let perhaps even one of them escape; that is a fact. Is society ruined, however, or trust banished from the earth? These are empty railings, which are good only for deafening, for want of solid reasons to persuade and convince.

After all, I think that the aversion that people have for beneficial lying comes only from the term, which is an unfortunate term, which never comes to mind except at the same time conjuring up terrible notions, as one might say, deceit, injustice, lack of charity, etc.

I would therefore be of the opinion that in order not to trouble minds, one continue to say more than suffices to condemn lying without restriction, as long as one changes the definition of lying, and gives us a new one in which beneficial lying is not included.

End

¹¹ Exodus 20:13,15.

CHAPTER FOUR

POLITICS AND ETHICS IN THE HUGUENOT DIASPORA: ISAAC DE BEAUSOBRE IN BERLIN

by Bertram Schwarzbach, Paris

I am a fanatical, card-carrying, middle-of-the-roader.
Attributed to Alice Rivelin

We shall not try here to derive the political theories and moral positions of Isaac de Beausobre (1659-1738)¹ from the classical theories, ethical

¹ Beausobre has not been fortunate in his bibliographers: the Bibliothèque Nationale catalogue lacks the *Supplément à l'histoire de la guerre des hussites ...* (Lausanne and Geneva, 1745); see P. M. Conlon, *Le Siècle des Lumières. Bibliographie chronologique*, t. V, p. 268, for locations, plus Arsenal 4 T 1094; A. Cioranescu, *Bibliographie de la littérature française du dix-huitième siècle* does not recognize it either. To add insult to injury, Cioranescu refers to an "Éloge" of Beausobre by Jean-Henri-Samuel Formey in the *Mémoires de l'Académie royale de Prusse* (1754), which is actually an éloge of his son, Charles-Louis. P. Rétat's entry on Beausobre in J. Sgard, ed., *Dictionnaire des journalistes (1600-1789)*, sets the record straight by locating the éloge, "Mémoire abrégé sur la vie et les ouvrages de Mr. de Beausobre", in the *Bibliothèque germanique* of 1738, pp. 68-81. There is an anonymous éloge attributed to Armand Boisbeau de la Chapelle in the second volume of Beausobre's posthumous *Remarques historiques...* (The Hague, 1742), ii., pp. 253-320, which mentions an éloge by Formey in the second volume of Beausobre's *Histoire critique de Manichée et du manichéisme* (Amsterdam, 1734-1738), but the several copies that we have seen (in the Bibliothèque Nationale and the Arsenal) do not contain it. Additional material has been collected from various sources in Haag and Haag, *La France protestante*, s.v., and J. G. Chauffepié, *Nouveau dictionnaire historique et critique* (Amsterdam, 1750-1756), s.v. More recently, a long article by F. Hartweg, "Le grand Beausobre. Aspekte des intellektuellen und kirchlichen Lebens der ersten Generation des Berliner Refuge", contains an extremely useful bibliography of the Huguenots in Berlin as well as archival material. E. Briggs has edited some unpublished letters of Beausobre in "Une correspondance inédite", where pp. 327-33 deal with Beausobre and show him in a very humane and sympathetic light. M. Yardeni's historiographic study, "Erudition et engagement: l'historiographie huguenote dans la Prusse des Lumières", describes Beausobre the historian in terms consistent with our theses here that regard his career more broadly, "Chez

emphases, and coloration of the seventeenth-century French Reformed communities. There are two good reasons for avoiding this question which is surely of historical interest. The first is pure and deplorable ignorance. We come to Beausobre by a strange itinerary, via Voltaire² and the French antireligious pamphlets that exploited his scholarship and anti-Roman polemics, and, seeking analogies, from an attempt to determine the breadth of eighteenth-century French Catholic orthodoxy with regard to the Bible.³ The points of similarity, and Beausobre's ability to be both a man of the Enlightenment and an orthodox (Reformed) clergyman, caught our attention even before publication of François Laplanche's fine thesis on the enlightened Reform as formulated and taught in the Academy of Saumur,⁴ and suggested this glance at his political and ethical thought in the hope it might furnish further and more obvious common ground with more familiar and more typical Enlightenment figures.

The second reason for not deriving Beausobre's theses from earlier Reformed political theory and theology is that he has no explicit political theory. Such political theses and ethical emphases as we shall now extract from his various writings and principally from his journalism, because it has been less studied than his major opus, which is to say not at all, will be inferences too imprecise to warrant an elaborate genealogy. Since the political theses that we have been able to discover in his work and shall present here are negative, and rather banal at that, we may and shall suppose that he approved of their contraries, but we risk extrapolating their contraries too far and applying them too widely. Since we know that there were good reasons for expressing himself very cautiously, a Straussian interpretation is tempting but it tends to assume precisely what is in question.

Living in exile, being a chaplain first to a princess of Anhalt-Dessau in the Netherlands, then, after 1693, to the intellectual princess and future queen Sophie-Charlotte in the Lutheran and very authoritarian Brandenburg of Frederick I and his son, Frederick-William, would have taught discretion in political affairs were it not an absolute prerequisite for

Beausobre, la modération et surtout la tolérance deviennent les véritable pivots de la civilisation" (p.587).

² See Schwarzbach, "Voltaire et les Huguenots de Berlin: Formey et Isaac de Beausobre".

³ See Schwarzbach, "L'Encyclopédie de Diderot et de d'Alembert".

⁴ F. Laplanche, *L'Écriture, le sacré et l'histoire. Érudits protestants devant la Bible en France au XVIIIe siècle*.

undertaking such delicate spiritual tasks. We are not, therefore, surprised to find that Beausobre never asserted a full-blown political theory - even in religious questions, where he was vitally engaged, he did not create a theology or a religious philosophy - , nor took positions on the morality or efficacy of foreign or domestic policy in Prussia nor even in the relatively more liberal Holland where other pastors like Pierre Jurieu had taken overtly political stances. The degree of discretion expected of the Huguenot community surely changed in the later years of the century since one of his sons, Louis de Beausobre, published an *Introduction à l'étude de la politique...* (Amsterdam, 1765), but we have not yet studied it and it may well prove to be eminently discrete despite its promising title. In any event, Isaac de Beausobre was surely no Jurieu, in Guy Dodge's⁵ and Walter Rex's⁶ contrast between the activist, intolerant but, after the Revocation, increasingly "democratic" - because he challenged the legitimacy of Louis XIV's oppressive reign - Jurieu and the conservative, tolerant, and politically more passive Pierre Bayle who deferred to the sovereign in all but matters of conscience. We shall therefore content ourselves with reading between the lines to discover Beausobre's political tendencies and moral commitments. That they are worthy of note may be presumed from the esteem in which the young prince and future atheist who would become the supremely Machiavellian Frederick II held this pious and scholarly pastor even after his death (see Frederick to Voltaire, 10 June 1738, D1515, and Voltaire to Formey, 2 January 1752, D4156).

Just a brief word about biography because it is well treated in Haag and in Hartweg. Beausobre was one of the last pastors trained in the relatively "liberal" Academy of Saumur, and was ordained only two years before the Revocation of the Edict of Nantes closed the Academy. Saumur retained, indelibly, the image of its two dominant personalities, Louis Cappel, the intrepid Bible critic whose work on the antiquity of the Hebrew vowel-points and authenticity of the Massoretic text was so far at odds with the prevailing Reformed orthodoxy that it had to be published under Catholic auspices,⁷ and Moyse Amyraut, best known for asserting as a religious doctrine the political thesis that a Christian is bound to obey his king up to the point of martyrdom⁸ (cf. Romans viii. 1-7 and Calvin,

⁵ G. H. Dodge, *The Political Theory of the Huguenots of the Dispersion*.

⁶ W. Rex, *Essays on Pierre Bayle and Religious Controversy*, chap. vi.

⁷ Laplanche, *L'Écriture, le sacré et l'histoire*, chap. v.

⁸ Laplanche, *L'Écriture, le sacré et l'histoire*, chap. vii-ix.

Institutions de la religion chrétienne, iv. 20, 31) and that the French Huguenots, to show their irreproachable loyalty to their king, should not support their English, regicide coreligionists nor entertain any apocalyptic political hopes. Beausobre dedicated his scholarly career to "la critique" after the model of Cappel, while, as we shall see, his politics remained very conservative but not quite Amyraldian despite what Laplanche writes about a "secularization of politics" in Amyraut's theology.⁹ Although we cannot quite see it in his exposition of Amyraut's works, the formula will be applicable to Beausobre.

After it became known to the authorities that he had read from the Psalms in his own home in the presence of former parishioners, Beausobre was obliged to flee France for the Huguenot diaspora, first to Rotterdam, then settling in Dessau and finally in Prussia. Thus he joined the Huguenot scholars and intellectuals abroad while the simpler French Protestants remained in France, practicing their religion covertly until they were liberated by the Revolution when they were able to found the Reformed Churches of nineteenth-century France.¹⁰ We cannot say what the influence of the exiled Huguenot intellectuals was upon the faithful who remained in France, and we cannot imagine that, even if those crypto-protestants read Beausobre's considerable literary output, they could have found much encouragement or counsel in it. Beausobre wrote for the international and interconfessional *République des Lettres* which was far removed from the spiritual and moral needs of his Huguenot parishioners in Berlin to whom he spoke in Church and for whom he wrote (in the *Bibliothèque germanique* and though his contribution is hard to identify, in Jacques Saurin's *Dissertations historiques...*), on a different plane. We should not have any illusions that he even aspired to Jurieu's role as spokesman to Huguenots captive in France, much less to the entire Huguenot diaspora. His was a more modest career, though once, in October 1702, he had to defend the Scriptures before the court against the arguments of the then notorious John Toland.¹¹

Beausobre actually had something of a political career, to the extent that anyone could have had one in early 18th-century Prussia. He represented his community before the king on several occasions. In 1704 he was

⁹ Laplanche, *L'Écriture, le sacré et l'histoire*, p. 389.

¹⁰ E. Labrousse, "Plaidoyer pour le nicodémisme".

¹¹ *Bibliothèque germanique*, 1733, no. 2, pp. 39-50. Hereafter, references to the *Bibliothèque germanique* are found in the text, with the letters "BG" followed by the year, number, and pages.

deputized, together with the other leading Reformed pastor of Berlin, Jacques Lenfant, to plead with the victorious Marlborough to exchange French prisoners of war for Protestants serving in Louis XIV's galleys under what must have been the most gruesome conditions and at a risk to life and limb to which they never consented. On another occasion he was coordinator of an effort to obtain the restoration of the properties that the exiles had left behind in France on the grounds that, having become citizens of the countries of their exile, in particular of Brandenburg, the arbitrary expropriation of the property of French Protestants, which was legal after the revocation of the Edict of Nantes, should not apply to theirs.¹² He was overseer of the schools and the *hospice* (poor house and hospital) of the Huguenot community and, towards the end of his career, of their Churches in Berlin.

The embassy to Marlborough may have been utopian or merely symbolic of his community's concern for their coreligionists and relatives in France, but we must assume that his other social activities betray a practical sense for applied ethics and a sense of obligation to his parishioners that we might not have expected from a person so thoroughly engaged in research in some of the most arcane areas of the history of theology and of the Churches. In fact, reading his occasionally obsessive "history" of Manes and Manicheanism led us to expect a rather silly scholar, impeccable in his personal life but, possibly precisely for that reason, drawn to study sects accused of the strangest heresies and the most promiscuous sexual conduct, like some of the daffy scholars in Lytton Strachey's gallery of *Portraits in Miniature*, who went utterly astray when they left their Oxford and Cambridge college libraries to venture into the moral world of their "livings".

The Continental model of the profound scholar is a bit different from the one that we may compose for Strachey's fellows and masters in their collegial setting. A casual reading of the eulogies of Beausobre's continental contemporaries and near contemporaries, both Protestant and Catholic scholars, Johann Ernest Grabe, Jean-Baptiste Cotelier, Johann-Albert Fabricius, the Orientalist, Etienne Fourmont, and Johann Lorenz von Mosheim, fails to discover any engagement in public life or even in pastoral functions. What moral life these men had outside the confines of the library and their university chairs, if their moral concerns indeed extended beyond their immediate families, was thought by their eulogists

¹² Hartweg, "Le grand Beausobre", p. 66, n.33.

to be hardly worthy of a reader's notice. Beausobre, on the contrary, may have worked in the library, indeed must have since he could hardly read barely legible manuscripts and giant old folios in the kitchen or parlor, surrounded by his large family, though it is told that his younger contemporary in Berlin, Leonhard Euler, could perform his calculations while reading or reciting Homer in Greek to his children. Beausobre surely retired periodically to his library to write his books, but he just as surely did not live there. The image of him that La Chapelle's eulogy evokes is that of scholar and, in a modern and somewhat exaggerated translation, even something of a social activist. This image is almost antithetical to the typology of the Christian scholar of an earlier era who was characterized by heroic acts of contrition, humility and self-abasement (an example is Pascal, who wanted to die among the poor in the Hôtel-Dieu) in imitation of the lives of the saints, or, for the spiritually less exalted scholar, at least by a life of correctness, of ostentatious acts of obedience to ecclesiastical superiors (Richard Simon, a faithful son of his Church despite the rather shabby treatment he received, or Bishop Fénelon, who accepted the condemnation of his *Explication des maximes des saints* with ostentatious humility) despite their own greater learning or spiritual penetration, and, of course, by noteworthy acts of charity. The distinction in the ideas of Christian duty is visible in the paintings of so and so, in his or her magnificent court dress, condescending to visit and comfort the (low class) sick in the hospital, and the Dutch portraits of wealthy, bourgeois men and even women performing a different but equally pious duty, clutching the bag of coins symbolic of their prudent administration of a hospital or orphanage that healed or at least sheltered the sick and protected the orphan and the poor. Beausobre's life exemplified both the most profound, ivory-tower scholarship and this latter type of social responsibility, or so his eulogists, trying to catch the distinctive nuance of their subject, represented him, the Christian, bourgeois scholar.

Beausobre's work falls into three classes that are unequally represented in his published work: Biblical scholarship and philology, ecclesiastical history which is allied with interconfessional polemics, preaching and edification. In the area of Biblical scholarship there is a translation, *Le Nouveau Testament ... avec des notes* (Amsterdam, 1718), undertaken together with his slightly younger, Saumur- and Geneva-trained colleague, Jacques Lenfant, in order to modernize the language of the old Geneva version (see t. i, p. ccxxiv-ccxxv). The "notes" are open to the best critical scholarship of the period, not excluding Catholic scholarship, most notably Richard Simon, who is indeed frequently cited, contrary to Hartweg's

claim.¹³ This suggests that Lenfant and Beausobre were relatively unbigoted despite their occasional anticatholic polemics. Open mindedness is a relative quality, but a comparison of their notes with those in a contemporary Catholic Bible, Augustin Calmet's *Commentaire littéral* (1707-1716) which also cites Simon but much more rarely, and even Protestants but with precaution, confirms that they were disposed to take good scholarship and *critique* where they found it. After Beausobre's death a son, Charles-Louis, published his still more technical *Remarques historiques, critiques et philosophiques* (Amsterdam, 1742). We know of no study of the translation, notes, and remarks from the point of view of the history of Biblical criticism and exegesis and that is a shame because a sampling of the notes, undertaken some years ago, suggested that they exemplify an interesting compromise between strict Reformed orthodoxy, rationalizing and *critique*, in the tradition of Cappel, but applying his critical methods to New Testament texts which Cappel had treated most prudently if at all. This translation would have been used by several generations of Huguenots and should have formed among them relatively "liberal" ideas about the Bible, so its reception ought to be studied. There are also his admitted but unidentified contributions to the articles by his son, Charles-Louis, who continued Jacques Saurin's *Discours historiques, critiques, théologiques et moraux sur les événemens les plus mémorables du Vieux et du Nouveau Testament* (Amsterdam, 1720-1739) into the fifth and sixth volumes. This is a series of six folio volumes with splendid engravings by Picart and others, surely a coffee-table book of the period, whose objective seems to have been to instruct the wealthy Huguenot bourgeoisie in what it was suitable for them to know and to omit what it was not suitable for them to know, in particular Bible criticism. Yet when we had occasion to read a couple of articles some years ago, we were struck, as we had been when looking at the notes accompanying the Bible translation, by the elements of criticism that we did find in a text that proposed to further edification rather than erudition. It seems that Saurin's *Discours* have not been studied either, and that is a shame because they, and the Lenfant/Beausobre Bible translation, should be much closer to the mentality of the Huguenot community than the extremely learned contributions that Beausobre and their other pastors contributed to the various journals of the *République des Lettres*.

Of course the several weekly sermons that were expected of every pastor

¹³ F. Hartweg, "Les Huguenots à Berlin: des artisans de l'Aufklärung", p. 72.

must have consumed most of the time of our industrious scholar, but little of this work of doctrinal instruction and moral exhortation has survived. Four volumes of sermons were published posthumously. The first two deal with morals and conduct; the second two are more theological and will not interest us here.

As for ecclesiastical history, it is represented by Beausobre's major published work, the *Histoire critique de Manichée et du manichéisme* (Amsterdam, 1734-1739), and by most of his signed articles in the *Bibliothèque germanique*. There was an early - ten years after his ordination - apologetical work, the *Défense de la doctrine des Réformés sur la Providence...* (Magdeburg, 1693) which, it seems, was criticized for heterodoxy upon its appearance, and there are apologetical pages in the *Histoire... du manichéisme*.

As for journalism, Beausobre was a member of the editorial committee of the *Bibliothèque germanique* since its inception in 1720 and it hardly survived his death, being recast and renamed by Formey in 1741 under whose direction it lasted only two more years when it was again recast and renamed, in which guise, and still under his direction, it lasted until 1760. This semi-annual, and, towards the end of its career, annual, journal was one of the many organs of the international *République des Lettres*, one with two particularities. It contains reviews/extracts of books on jurisprudence and German history more frequently than a Dutch or French journal might, and it features publishing news from many German cities. We have not noticed any German belles-lettres in its pages, and under Formey's direction it would not be more conscious of them than it had been under Lenfant and Beausobre (though there may have been changes between 1743 and 1760, a period which we have not yet studied), but there are translations/extracts from scholarly books published in German. This was surely a reflection of Beausobre's and his colleagues' objective of using the press to acculturate the Huguenot intellectuals in the German states, but their conception of German culture shared the aesthetic myopia of the *République des Lettres*.

Beausobre's signed contributions - the first appeared in 1721 and the last are posthumous - with one exception, were neither topical nor, with another exception, did they deal with German subjects. They include several long essays published in installments on a very few themes of ecclesiastical history. One is an investigation of the precise affiliations of the "Adamite", Picard, Vaudois, and Taborite sects of Bohemia. Some of this material would appear in the *Histoire... du manichéisme* and much of the rest was written for inclusion in Lenfant's *Histoire de la guerre des*

hussites... (1729, 1731). Additional material on the same subject, probably written for that project, appeared in the posthumous *Supplément à l'histoire de la guerre des hussites*, so we can reduce his production specially undertaken for the *Bibliothèque germanique* to a review of Lenfant's *Histoire du concile de Constance*, to answers to the Jesuit critics of his *Histoire... du manichéisme* (BG 1736, no. 1, 1737, nos. 1-2, 1738, no. 1) and to an article on the miraculous cure that had been claimed in 1725 for the woman La Fosse (BG 1728, no. 2, 1729, no. 1), an essay which deals with the criteria for distinguishing a true miracle from imposture, just as Elie Merlat and Jean-Alphonse Turretini had published treatises to distinguish false from true prophecy. There is also an essay on the designation of the Virgin as queen of Poland (BG 1729, no. 2, 1732, no. 2). The only entirely polemical piece in the series is a study of the images of Jesus and the Virgin that were treasured in many countries as having been drawn by the very hand of God. This is not quite what the word "journalist" evokes for us, articles on contemporary and rather ephemeral questions. The polemical elements in all of these essays are not what one might have guessed. These are studies of some of the more extravagant moments in the evolution of Catholicism and recollections of some of the cruelest moments of Catholic persecution of dissenting but yet Christian sects. But it should be noted that the polemic is ironic ("du sel", BG 1729, no. 1, p. 2) just up to the point of being offensive, according to Beausobre's identification of that point - he assumed less delicate religious sensibilities than those of the much less religious 1990s -, but not beyond that bound, unless he miscalculated ("l'ironie a été assez longue, changeons de style", BG 1727, no. 2, p. 22). His polemics are far more tolerant than the classical Reformed tracts that identified the Roman Church with Babylon or with the whore of the Apocalypse and the pope with the anti-christ. Beausobre gives the impression that some Catholics, but only some, are rather silly and extravagant in their superstitions, but that this is around the periphery of their religion whose center does not offend his notion of religious truth, and that the many Catholics who are *forts* agree with him regarding the images and, presumably, the folklore introduced into the Roman rite and theology. He criticizes individual Fathers, popes, and bishops while respecting others rather eclectically to some degree or another. Only the monks are treated to undifferentiated scorn (BG 1722, no. 2, p. 157, 1725, no. 2, p. 194, 1732, no. 2, p. 33) for having falsified ecclesiastical history and for having introduced folklore into their chronicles. He might have excepted Dom Mabillon and his brothers at St. Germain des Prés but we have not remarked that he ever cited them, while he cites with approval the Servite

Paolo Sarpi (a favorite of many Protestants because of his efforts to reunite the Churches in manner respectful of their religious sensibilities) and the Dominican chronologist Noël Alexandre (BG 1732, no. 2, pp. 32-33), but, regarding the monks in general, older Protestant polemical habits prevailed. That the monks' and Catholic critics' worst sins are their bad editions of the Fathers and their deformations of the historical traditions that they chronicled seems, at first glance, rather silly, especially in view of the many cruelties which he also attributes to the Churchmen. But there is a conservative side to Beausobre that assents to the proposition that history confers authority (BG 1730, no. 1, p. 36). He even goes so far as to propose (*loc. cit.*), for argument's sake, that if Jesus had lived to go to Rome to heal Tiberius, as an aberrant Catholic tradition had claimed, he would have been the first bishop of Rome and, had he installed Peter there as his successor, that would indeed have conferred upon Peter and his successors irrecusable authority (*pleine puissance*), a remarkable (hypothetical) concession for an eighteenth-century Protestant except for the fact that Protestants tended to regard the Gospels as history rather than as direct revelation, and as authoritative for faith and morals precisely because they were more or less faithful histories of Jesus. To falsify history was thus to impose false authority, and Beausobre arms himself with all the weapons of the critical trade to save history from the partial and credulous (Catholic) historians who preceded him.

As we remarked, attacking the Catholic cult of images and miracles produced by interventions of the saints, and similar targets, was rather standard Protestant polemics. What might not be so readily imagined is the moral passion that Beausobre devoted to setting the record straight, to going back to original sources, to accepting or refusing their testimony according to whether it was disinterested or biased, supported or contradicted by other sources, whether it was intrinsically plausible, or merely a second- or even third-hand source which could be ignored. He is such a fanatical critic that even Bayle, generally astute and even notoriously skeptical critic that he was, does not escape his strictures (BG 1722, no. 2, p. 161, 1731, no. 1, pp. 22-23). It is tempting to associate this side of Beausobre's character with his training in the Saumur of Louis Cappel, but of course "critical histories" issued from sources outside Saumur as well, notably Richard Simon's *Histoire critique du vieux testament* (1678) followed by his critical histories of the New Testament and even of ecclesiastical revenues, and Simon was a Sorbonne-trained theologian. (Actually, the critical method was invented by the Hellenistic grammarians in order to edit the classical Greek texts that they revered, was further developed in

Renaissance Italy and practiced in the seventeenth century, most notably by Dom Mabillon and the members of his circle, though in a narrower compass than Simon's or Beausobre's critical histories.¹⁴) Beausobre certainly was not writing "philosophical histories" of the kind that Voltaire and Gibbon would write later in the century, because he is too diffuse and because, like Bayle, setting the record straight is more important to him than marshaling significant themes about men and mentalities, not that neither he nor Bayle never do that. His critical histories of "heretical" sects are clearly preparation for that genre of history but not yet its accomplishment. As a matter of fact, Gibbon admired Beausobre's work and Voltaire copied long passages in sketches for several articles eventually published in the *Questions sur l'Encyclopédie* (1770-1772) and in other articles which he left unpublished.¹⁵

At first glance Beausobre's obsession with the doctrines and mores of heretics with respect to a Church no longer his own is strange. The principal theme of his dauntingly learned studies is to rescue the reputations of the Manichaeans, Priscilianists, Hussites, "Adamites" - he argued that theirs was an imaginary heresy - Vaudois, Picards and Taborites from the calumnies of the heresiologists and apologists for the (Roman) Church (BG 1722, no. 1, p. 123). Several of these sects, far from being heretical in his opinion, were merely trying to revive "the innocence and simplicity of earlier times" (BG 1732, no. 1, pp. 121, 148-50), which is to say, they were proto-Protestants. That the polemical element in these studies is very strong is undeniable, but it is not their sole *raison d'être*. Beyond his passion for setting ancient records straight because, as we have just claimed, for Beausobre history was a source and possibly the only source of religious authority, he also had a passion for "rehabilitating" these sects, especially defending them against uninformed and irresponsible accusations of sexual licence (BG 1722, no. 1, p. 123), just as rehabilitating the already executed Jean Calas would become important for Voltaire later in the century, because they were persecuted by the Roman Church and persecution by any Church is inexcusable. There is an implicit doctrine of tolerance here. If the Church stands condemned for persecuting dissenters,

¹⁴ See the four-volume study by B. Kriegel of the Benedictines of the Congregation of St. Maur and of the Abbey of St. Germain des Prés: *Jean Mabillon; La Défaite de l'érudition; Les Académies de l'histoire; La République incertaine*.

¹⁵ See Schwarzbach, "The Problem of the Kehl additions to the *Dictionnaire philosophique*".

whether rightly or, too often, wrongly identified - his negative thesis -, then (the contrary) dissenters should be left in peace - our conclusion from the hypothesis. At most - our qualification -, heresy justifies ecclesiastical sanction, but never temporal punishment (BG 1730, no. 2, p. 163), which should be reserved for crimes against public order, and infidels should neither be converted by force nor by confiscations of their property (BG 1728, no. 1, pp. 78-79). The contrary would be that infidels (and Jews?) have the right to remain unconverted. This is asserted as a criticism of Polish policy and Spanish practice in the New World. Application of the principle to France was probably self-evident to Huguenot readers.

We ought to cite several examples of the eloquence with which Beausobre asserted the doctrine of civil tolerance. He recalled the Church's past tyranny and cruelty and described the canon law governing episcopal authority as "gravée avec le feu et le soufre de l'enfer" (BG 1727, no. 2, p. 29). Presumably he was so hostile to canon law for his own religious reasons rather than for Voltaire's historical-empirical argument that religious influences upon the State have always proven nefarious, yet in application of their different theses they tend to agree. Beausobre assumes, as Voltaire was to do some thirty years later - we are taking him to be the model of French Enlightenment political thought regarding Church and State relations, which is probably not entirely justified -, that it is the Church which ought to be subservient to the State. We deduce this from Beausobre's wish that the election of a pope be "confirmed" by the emperor (BG 1727, no. 2 p. 16). In a period where episcopal appointments were normally confirmed in one way or another by the temporal powers, the *desideratum* is surprising only in carrying the logic of that practice to its ultimate limit. A second example: he was scandalized by a very literal, Catholic application to heretics of Luc xiv.26 where Jesus declares that "If any man comes to me without hating his father, mother, wife and children, brothers, sisters, yes and his own life too, he cannot be my disciple" (trans. *The New Testament of the Jerusalem Bible*, which adds a mitigating note suggesting that "hating" is a "Hebraism, an emphatic way of expressing total detachment"). That author, whom we have not yet succeeded in identifying from Beausobre's very cryptic reference, in a tract on the history of the Albigensians, interpreted that verse as implying "qu'on ne doit épargner le sang, ni d'un frère, ni d'un fils, ni d'une épouse, ni d'un ami, ni des personnes les plus chères quand ils sont coupables d'hérésie". Beausobre regards this as "la cruauté [qui] fait horreur à la nature ... car s'il y a quelques fautes qui soient dignes de l'indulgence du prince et de la miséricorde de Dieu, ce sont les erreurs de l'entendement" (BG 1728, no.

2, pp. 39-40). (In fact Lenfant had not softened the verb "to hate" of that verse in their 1718 translation because they were very honest translators, to judge from our sampling of several years ago, but in their notes they, too soften the verse: "*ne haïr c'est-à-dire s'il aime père, mère, &c plus que moi ... si dans l'occasion il n'est pas disposé à les abandonner comme s'il les haïssoit.*")

The passion with which Beausobre pleads for tolerance is proto-Voltairean, because it is his passion that set Voltaire apart from philosophers of his time who were equally but more equanimously convinced of the claims of tolerance. We have found in Beausobre's works no "derivation" of the obligation of tolerance from Biblical texts nor from the writings of Calvin or Beza or any of the other greats of the Reformed tradition, though generally one can find almost anything one seeks in suitably chosen passages of all the great theologians. He does not bother to apologize for Calvin's burning of Servetus nor does he go to the trouble of showing why his Catholic author misinterpreted Luke. Tolerance is a primitive for Beausobre, an unquestioned doctrine and Christian duty despite the theological and ecclesiastical traditions to the contrary.

Quite simply, Beausobre is temperamentally not a fanatic; he is not prepared to sacrifice persons or consciences to an idea of Christian orthodoxy, not even his own, and he does not engage in the battles of determining whether Gomarism, Arminianism, Jean-Alphonse Turretini's liberal version of Calvinism or any other was orthodox Reformed doctrine. Beausobre even boasted that it would give him as much pleasure to erase a heresy from the catalogues as their compilers found in adding it.

Before leaving the question of tolerance, which we take to be politically fundamental since it implies the purpose of whatever form Church-State relations may take and the rights of the State to coerce its citizens, it should be added that we have not found any reflections on the limits to be applied to religious toleration. There is no theory here, though there is clearly an attitude. All Beausobre's examples are historical and most are really quite remote in time and geography. What seems to be clear is that tolerance of deviant Christian theology is unlimited. Even supposing that the Hussites' communion "*sous les deux espèces,*" though such had been the universal custom of the Church, were heretical, he argues that "*ce serait la barbarie et la tyrannie même que de les [ces gens faibles en foi] livrer, eux et leur royaume, à la fureur du soldat plutôt que de tolérer leur faiblesse et simplicité. Un chrétien, ou plutôt un infidèle, qui ne serait pas dépouillé d'humanité, pourrait-il décider cette question autrement*" (BG 1731, no.1, p. 18)? We do not know whether, in Beausobre's view, it must

be extended to atheists as Bayle would have had it, or to Jews, of whom there were relatively many in Berlin, so many that Beausobre could hardly have ignored their living presence. He was very sympathetic to sects whose morals were impugned, but what if a sect's religious principles led to sexual conduct which he could not condone in his parishioners? Tolerance has its qualities: what civil disabilities if any may be imposed upon dissenters? This latter question is certainly pertinent in view of the English model of the period that Voltaire had cited in the *Lettres philosophiques* I-V of 1734, but its implicit criticism may be unjust because this is precisely a matter of public policy, an application of moral principle where a discrete, tolerated Huguenot pastor might have been very reluctant to commit himself in public, much less in print.

We shall now try to organize Beausobre's other political ideas around the theme of autonomy, the idea that there are areas from which the Church, with its ideas of right and wrong conduct and orthodox and heretical opinions, is excluded or at most may play only an advisory role, and then around the theme of ethical moderation.

In practice, Beausobre does not want to see the collection of tithes a state function (BG 1728, no. 1, p. 16), and he imagines the relationship between the citizen and the Church to be a voluntary one. The pastor acquires no juridical authority over his parishioners even though they have consented to join his Church. He leads his community by the force of persuasion. His only real arm in a contest with unruly members is a decree of exclusion, and, it goes without saying, its efficacy depends upon the willingness of the community to respect it (*Sermons*, ii.173). "Nous ne dominons point sur votre foi, et [...] nous sommes vos serviteurs pour l'amour de Jésus. Des gens qui n'ont qu'une autorité précaire, empruntée, qui ne sont établis que par la grâce du souverain, ces gens là n'ont point d'empire : Ainsi, à Dieu ne plaise que je convertisse le ministère évangélique dans une espèce de monarchie spirituelle, beaucoup moins dans une espèce de monarchie temporelle. Cela n'appartient qu'à l'Antichrist" (*Sermons*, ii.172).

Beausobre urges, implicitly, a separation of the Church from the State. This has German and especially Lutheran¹⁶ though not French antecedents. Turgot's (anonymous) *Conciliateur*, which dates from 1754, is the only French text advocating such a separation that we were able to locate

¹⁶ See Alexander Altmann's introduction to Moses Mendelssohn, *Jerusalem, or On Religious Power and Judaism*, pp. 146-48.

some years ago when we were trying to trace the theoretical preparation in France for the "emancipation" of the Jews and the authorization of Protestant Churches decreed under the Revolution,¹⁷ and the *Conciliateur* seems to have had no prerevolutionary echoes. Beausobre even wants to see a liberation of individual consciences. This pairing is possible for him - he does not make the connection but it seems consistent with his various apologetic remarks - because he holds that there is a background of reason (*Sermons*, i.141), though not of natural law, to which Bible-law conforms. The moral principles that Paul preaches are recognizably "bon[s], agréable[s] [et] parfait[s]" precisely because they correspond to an autonomous sense of morality in all but a perverse minority of men (*Sermons*, i.87). Order and justice are primordial values which will be established on earth by Christian patience (*Sermons*, ii.368). The law of God merely reenforces with its own authority and guarantees (miracles) the law of reason (*Sermons*, i.111). In addition to reason there is an entirely legitimate human quality that he calls "le naturel" which, to judge from his examples, refers mainly to sex, against which neither religion nor honor can resist. Frustration of "le naturel" leads to all sorts of unfortunate results. Thus it is better to urge young widows to remarry (BG 1721, no. 2, p. 31) in order to avoid adultery, as Paul does (I Timothy v.14), while Rome's opposition to the marriage of the clergy (despite I Timothy iii.2,4) has inevitably proved a source of corruption rather than holiness within the Church (BG 1721, no. 2, p. 40). This "naturel", this time in a broader sense, has led even barbarians to worship the Divinity and to practice justice, charity, and even sanctity (*Sermons*, i.118).

Beausobre is thus no (Biblical) legal positivist. Even the customs of a society, perhaps the Prussian, Lutheran society that his parishioners still found rather strange in certain matters, have their respected place as well and, if they do not shock the "bienséances" - are they, too, a universal primitive or are we reading too much into a casual remark? -, they are valid, even, and this is surprising, if they contradict Scripture (*Sermons*, i.93).

There are two curious rhetorical antinomies in Beausobre's thought, religion/crime and, in the area of morals, reason/concupiscence, with the "profane" and the licit (in particular, marriage) as respected domains separating those antinomies (*Sermons*, ii.95). Merit is acquired by

¹⁷ See Schwarzbach, "Une nation reniée - une nation adoptée: La politisation du judaïsme en France".

dominating pleasures, not in denying them (BG 1730, no. 2, p. 143), and virtue is rewarded by modest but not negligible prosperity (*Sermons*, i.150). Heroic resistance to feminine attraction is perhaps admirable because there is much that is illicit in the social commerce between the sexes, but it is also faintly ridiculous ("il eût été bien dommage d'ensevelir [cette vertu héroïque des sectaires de Bohème qui étaient au-delà de toutes les tentations du sexe] dans une solitude ..." (BG 1730, no. 2, p. 141) because Beausobre does not even retain a romantic attachment to the medieval Catholic ethic that preferred celibacy and all manner of privations to licit gratification. This, of course, is not surprising, coming from a member of a Protestant community, but the attitude to the merely licit is remarkably positive.

Another autonomous area is more political even if it is expressed in highly individualistic terms. The Christian enjoys autonomy with respect to his pastor (BG 1731, no. 1., pp. 36-37) who is merely a prophet, a transparent vector of the divine word (*Sermons*, i.173,211,247) and must persuade and may invoke ecclesiastical sanctions, but who has neither shamanistic powers nor delegated civil authority, despite the fact that he serves at the pleasure of the prince. (This anticipates what occurred in the newly created United States when the Federal constitution was adopted. The ministers suddenly discovered that they had lost their legal authority and could retain only such moral authority as their powers of persuasion could bring them.) Nor has the pastor even a special competence in Biblical exegesis since Beausobre is a firm supporter of the Reformed "libre examen" of the Bible (*Sermons*, i.243-44) which is, of course, well within the Reformed theological tradition. Beausobre's emphasis on the modest role of the pastor is surely designed to distinguish him from the overbearing Catholic priest of Protestant polemics whose ordination has conferred upon him magical powers (BG 1722, no. 1, pp.148-51) and exegetical authority. Beausobre criticizes the Catholic scheme of politics for denying princes moral and political autonomy with respect to their bishops and confessors. In that scheme, as he represents it, kings reign by the grace of God declared by ecclesiastical authority. When the Church withdraws its favor, justly or unjustly, kings lose their divine claim to temporal authority (BG 1725, no. 1, p. 45, 1727, no.2, p. 28) and may be licitly deposed, even by revolt or assassination, which destabilizes the State (BG 1725, no.1, pp. 64-69). He still regards Divine authority as adhering to kings - no sympathy here for (English) republicanism - but argues that princes should be neither subjects nor servants of the Church councils (BG 1727, no.2, p. 27). Even the papacy, in its temporal aspect, enjoys a

certain autonomy with respect to the episcopal virtues that would destroy it (BG 1721, no. 2, p. 24) and he cites Machiavelli without disapproval. Beausobre may be writing ironically when he distinguishes papal temporal functions from papal "episcopal" functions, where he expects the highest standards of morality, of spirituality, and, especially, of ecclesiastical scholarship, but I am not sure. Throughout the German Empire temporal and episcopal powers were often exercised by the same person. He says nothing about the anomaly of that situation so it would seem that both the temporal powers and prerogatives of the papacy occupy a respected place in his vision of the political scheme of Christian Europe. The political *status quo*, with its aberrations - popes and episcopal prince-electors with temporal interests - , is a cornerstone of his universe and, as we shall see, though he recognizes moral standards that apply to State conduct and (it goes without saying) religious standards that apply to ecclesiastical conduct, he respects the mutual autonomy of princes and bishops.

It would be nice to extend Beausobre's doctrine of "le naturel" into a doctrine of reserved rights in the political arena, but we cannot find texts to support any extension beyond the right of unconstrained religious conscience and possibly "normal" sexual gratification. (It is difficult to identify such rights even in Voltaire's thought, again taking him to be a typical Enlightenment political thinker, which is surely an oversimplification at best, despite Voltaire's admiration for Locke, whose political theory seems to have escaped his notice, and despite his general commitment to natural law, a vestige of his religious education.) However, Beausobre argues that certain moral qualities, the laws of justice, equity and humanity, limit the arbitrary power of monarchs. Thus by sinning against these values a monarch may forfeit his divine right to rule, but that forfeiture does not yet deprive him of his temporal ("dans les yeux des hommes") right, as it would in Catholic doctrine, as Beausobre expounds it, surely with an interest in frightening the Lutheran and Reformed princes. This is to say that princes rule legitimately even without Divine right since a social hierarchy with, we add, a prince at its summit, seems to him to be primordial (*Sermons*, i.117,149). This is a secularized world! Beausobre's political doctrine does not envisage the oppressed subject - a category that he recognizes several times, presumably thinking about the grievances of the Huguenots against their former country - as an aggrieved party with a right of redress by whatever means may be available nor only by limited means. Curiously, and inconsistently, Beausobre can still praise "les âmes généreuses [qui] lève[nt] l'enseignement de la liberté et tâche[nt] de la rendre à leur patrie. On a vu de même des génies sublimes, des esprits,

oserai-je dire, des esprits célestes, prendre les enseignes de la vérité et de la vertu, chez des peuples opprimés" (*Sermons*, i.108-109). We suppose that the passage refers to France and the Camisards of the Cévennes, and possibly even to the sixteenth-century Protestants, all of whom took up arms against their sovereign, but that is hardly support for a renewal of their insurgence.

It is hard for Beausobre to square his political conservatism, his devotion to the stability of the State and obedience to his sovereign, with a justification of reform, a change undertaken from bottom up. "Je sais bien que les remontrances respectueuses, les censures douces et modérées, doivent être des premières démarches d'un homme de bien qui veut réformer le monde, au moins lorsqu'il est sage et qu'il a affaire à ses supérieurs. Mais quand au lieu d'écouter on le persécute, on le proscriit, et qu'on proscriit avec lui la vérité qu'il prêche, si son zèle s'enflamme, s'il élève sa voix, s'il démasque des scélérats qui, sous prétexte de la religion, et à l'abri du pouvoir qu'elle leur prête, oppriment impunément et la religion et ceux qui la défendent, je ne crois pas qu'on puisse refuser les plus grandes louanges à un zèle si noble et si légitime. On le force à se soulever malgré lui contre des tyrans qui tiennent la vérité captive dans l'injustice, et ne pouvant en obtenir la liberté par ses remontrances, il enfonce pour ainsi dire, les portes de la prison et en arrache la vérité au péril de sa vie" (BG 1725, no. 1, pp. 59-60).

This is a rather confused passage with many qualifications. What justification he can produce for reform lies in the invocation of "vérité", a primordial quality which may be as hard to identify as Pilate's justice but which presumably subsumes orthodox religious doctrine, and an equally undefined, unlocalized, and unqualified "élimination de la corruption". What strikes us is that "vérité" is not explicitly qualified by the adjective, "religieuse", nor is "corruption" defined in relation to religious law. Thus, Beausobre consciously avoids invoking Christian orthodoxy, whether his own or some lowest-common-denominator orthodoxy, as a justification of political/religious reform. By the time he is writing and for the public which he is addressing, a plausible defense of the overthrow of religious and political authority had to be based on some interconfessionally recognized common ground, "vérité", or in the language of a Voltaire, the equally undefined "raison". Politics have become an autonomous domain with its own values, however ill defined they may be, and the pursuit of religious orthodoxy has become an intruder within it, or at the very least, has lost much of its former political authority. Beausobre admits here, perhaps reluctantly, the *desideratum* of Voltaire and the Enlightenment

philosophers, to free politics from the domination of confessors and bishops who tried, at the cost of much suffering, persecution and economic inefficiency, to make the State an instrument of their religious policy. In a German and, in particular, in a Lutheran context, this was, as we have suggested, hardly an innovation. In the French context in which we are reading Beausobre and in which he was trained, it was. As far as we can see, he differs from Voltaire and the *philosophes* in this sense: they still lived in a world of conflict between Church and State where each strove for complete domination, and they chose State dominance, preferably under a philosopher-prince, as a lesser evil. Beausobre is much more modern, refusing that choice - who could choose between say a fundamentalist Islamic state and a "National Socialist" state? He is quite prescient, separating the two with an autonomous space for individual conscience and action. A Bill of Rights and a *Déclaration des Droits de l'Homme* would eventually formalize that autonomous zone with respect to a State separated to a greater or lesser extent from the Church(es).

Very briefly, we must remark that Beausobre's morals tend to be very moderate and nonfanatical (BG 1722, no. 2, p. 169) on principle. Martyrdoms had become, fortunately, rather remote, despite the persecutions that he and many of the Huguenots born in France had experienced, and his parishioners no longer risked trying their faith so dramatically. Clearly, they have become bourgeois, with their pastor's approval (*Sermons*, ii.379-80). The Christian virtues are within the grasp of the ordinary Christian (*Sermons*, ii.370) who requires no further grace, or at least Beausobre does not remind his parishioners that they need such a grace (*Sermons*, i.136). This seems to be at variance with classical Reformed doctrine and shows that, given the choice between a moral exhortation and a theological lesson, Beausobre is more deeply committed to ethics. Religion has a pragmatic, utilitarian, moral *raison d'être*: both philosophy and religion render man "as perfect and as happy as he is constitutionally capable of being" (*Sermons*, i.126) and religion especially delivers men from their vices and their misery (*Sermons*, i.132). This sounds quite like Voltaire and other relatively nonreligious philosophers and even like Kant, seeking an apology for religion, any religion. This is, as the late Yeshayahu Leibowitz¹⁸ has

¹⁸ While correcting proofs for this article (August 19, 1994) we learned to our great sorrow of the death of this remarkably pugnacious and religiously serious philosopher. He would have been horrified by Beausobre's apology for religion, but he would have welcomed his discovery of the autonomy of secular domains, which, for Leibowitz, included the scientific and the moral/political.

argued, blasphemous: one is to worship God because that is one's duty as a created being (daemonism), not for the moral or physiological, much less economic, advantages that one might obtain in return (eudaemonism), and yet Beausobre does not have any scruples about his implicit hierarchy of apologetic arguments, nor does he realize that his apology is impious. (Of course Leibowitz's reading of the Jewish tradition is very eclectic; the idea that religion and religious observances are good for you, what we have just called eudaemonism, in the most temporal and material senses, goes back to Deuteronomy, and figures in many of the most classical apologies!)

Despite his moderation, Beausobre can get nearly hysterical about illicit sex. He seems to be writing from a sympathy for the severest bourgeois rectitude rather than from any theology associating sex with the fall of man. He thus cites, for a different reason but with obvious approval, the attack by the notoriously intolerant, early fifteenth-century chancellor of the Sorbonne, Jean Gerson, whom, in other contexts, he would surely have deplored, on the *Roman de la rose's* rather humanistic and sympathetic apology for less than strict sexual morality because "[ce roman] prétendoit que ce qu'on nomme obscénité n'est qu'une superstition du vulgaire. Que c'est faire injure à la nature que de trouver de la turpitude dans ce qui est ... [l']ouvrage [de Dieu] ou dans les actions naturelles. Qu'il y a de la faiblesse et de la sottise à les cacher" (BG 1731, no. 1, pp. 18-19). And he castigates Æneas Silvius, the poet and future Pius II (1456-1464), for his apologies for his youthful indulgence in the pleasures of sex, contrary to his vows of chastity (BG 1727, no. 2, pp. 35-37). But elsewhere Beausobre regains his equanimity. Thus, he holds that one can write about sex without blushing in such suitable contexts as anatomy treatises (BG 1725, no. 1, p. 54), a rather modest concession. Polygamy is of course regrettable, but not always the worst of sins: "Luther et Melanchthon ... croyaient que la loi qui défend à un mari d'en avoir plus qu'une [épouse] à la fois, n'étant pas du droit naturel, elle était sujette à la dispense, et qu'il y avait des cas où elle pouvait être modérée" (BG 1721, no. 1, p. 94). There is a hierarchy in morals: "Divorce [et] polygamie sont des extrémités qu'il faut fuir; mais s'il y a des cas où l'on peut être réduit à opter, je ne sais auquel je donnerais la préférence ... un divorce injuste, tel que l'était peut-être celui de Louis XII qui ne paraît fondé que sur la laideur de la reine, sur une prétendue contrainte et sur l'amour du roi pour Anne de Bretagne; un tel divorce, dis-je, est plus inexcusable que la bigamie du landgrave [Philippe de Hesse, 1540]. Il est plus directement contraire à la loi de Jésus-Christ, il fait une extrême injure à une princesse innocente et vertueuse ..." (BG 1721, no. 1, p. 95). And a thoroughly

debauched queen Barbara von Cilli ("the Messalina of Germany", died in 1451) was no less worthy of royal burial than had been her equally debauched husband, Emperor Sigismund I of Luxemburg (BG 1727, no. 2, p. 33).

It is very twentieth-century to think that morals concern only or at least mostly sex. Not at all for Beausobre. Morals included the question of dueling, which he opposed (*Sermons*, ii.365, 381-87) because personal vengeance usurped the power of the State and the sovereign. That was part of the aristocratic code of honor which was no longer suitable for his bourgeois parishioners. His ideas regarding the virtue of princes are interesting for their utter banality. The most obvious poles of princely virtue that come to mind are that of the conquering hero as he is represented, for example, in Bossuet's eulogy of the Prince de Condé, a ruthless and gifted general whose military successes obscured the less attractive aspects of his personal life, overweening pride, notorious impiety, bisexuality, incest and treason, and that of the Christian prince like Fénelon's *Télémaque* who was to rule with complete disappropriation of the accomplishment of his duties. Beausobre's prince, and the various councilors and functionaries whom he envisages in his sermons, negotiate a middle road between the extremes of conquest and royal hubris on the one hand (BG 1730, no. 1, p. 33), and Christian abnegation on the other. They are supposed to rule in a moral, but not necessarily religious fashion, avoiding injustice and unnecessary wars. This is precisely their exercise in Christian virtue (*Sermons*, i.116,205-206,217), and he even goes so far as to speak of the service to the State as a "calling", like the ministry!

These are sapiential rather than "religious" morals but let us not forget that there are sapiential books in the Bible, and that prudence and circumspection in conduct ("Walk prudently before thy God(s)", Michah vi.8) is part of the religious tradition. In fact, Beausobre was very partial to the sapiential element in the Pauline epistles, to judge from the two volumes of sermons on moral questions, and chose to translate the Pauline epistles as his share of the 1718 New Testament translation. We see no appetite for a continuance of the religious wars; ferocious dogmatic controversies had given way to ironic and, to scholars, at least, amusing polemics. Even nostalgia for a lost fatherland had receded. These were ideological impediments to acculturation and maybe even to integration into the commercial and intellectual life of Lutheran Prussia outside the future Francophone Prussian Academy, and Beausobre denied them in favor of the moderate, respectable values of tolerance, sexual prudence, and service to a nonheroic and not excessively oppressive State, obedience without the

unconditional commitment up to martyrdom that Amyraut and earlier theory had required. These are the politics of refuge, refuge from France and refuge from heroic conceptions of religious and temporal duty which had brought the Huguenots so much grief. They were, *in fine*, political *klei golah*, 'equipment for exile' (Jer.xliv.19).

CHAPTER FIVE

ANTOINE COURT AND REFUGEE POLITICAL THOUGHT (1719-1752)

Pauline Haour, Paris

The reorganization of the French Reformed Churches which took place in the eighteenth century was a vast enterprise, deeply involving the refugee communities of that time. Antoine Court, a young pastor born in 1695 in the French Vivarais, quickly proved to be the charismatic leader of this undertaking. He intended to write a history of the French Reformed Churches after 1685, so he kept in precise order all the letters he sent or received on the subject as important items of source material. As early as 1719, famous men like Ami Lullin and Jacques Basnage wrote to him, leaving to us the testimony of their opinion on the reorganization of the churches. Indeed, a large number of the 5000 letters or so that Court wrote or received between 1718 and 1755 concern political matters, especially the question of loyalty towards the French monarchy. Through these letters, this essay traces the opinions of prominent refugees during this period, which starts thirty years after the Bayle-Jurieu debate. We shall examine their answers to two central questions of the time: (1) whether French Protestants should continue their assemblies in the *Désert* [outdoors], or stay within the confines of "family prayer"; and (2) whether they should emigrate to Protestant countries or stay and maintain their faith within the French kingdom.

An analysis of these letters can provide some indication of the political self-consciousness and tactics of the Huguenots of the *Refuge*. For example, it should provide interesting elements of comparison to the use of public opinion as a political tool by the French Jansenist opposition newspaper *Les Nouvelles Ecclésiastiques*, as recently studied by Arlette Farge.¹ Moreover, this analysis should give us an idea of what remained of refugee cultural and intellectual identity in the eighteenth century.

The parameters of this survey should be clearly understood. A correspondence, even if it is cross-checked with other source material such as

¹ A. Farge, *Dire et mal dire. L'opinion publique au XVIIIème siècle*.

records of the French synods in the *Désert* and other correspondence (Turretini's and Serces's),² can only reflect the biases of the writers. In addition, the very high number of letters in itself prevents an exhaustive survey in this space, so a dozen correspondents, whose letters seemed particularly rich in political conceptions, have been selected. And from the chronological point of view, we shall focus on three important years.

The first is 1719. In that year, four years after the first Synod in the *Désert* and during the Anglo-French war against Spain, the Spanish minister Alberoni sent spies to the French Cévennes in order to incite the so-called New Catholics [*Nouveaux Convertis*] (really still French Protestants) to riot. Immediately, numerous letters arrived from the United Provinces and Switzerland, sent by Huguenot refugees trying to save their French co-religionists from this trap. This is the first time that aspects of loyalty towards the French monarchy are questioned and debated by the personalities of the *Refuge* in these letters. Then, in 1745, political preoccupations reappeared among Court's correspondents as Europe was once more torn by war. Indeed, during the War of the Austrian Succession (1744-1748) opinions were divided on whether Court should or should not publish an *apologia* for Protestant assemblies in the *Désert*. The arguments produced for and against the publication of his *Apologie* reveal the gradual development of a strategy of emigration. This appears to be an important change in the political attitude of Court's network towards the French monarchy. This evolution in thought went on until 1752, when an organized emigration actually took place. Therefore, 1751-1752 will be the third period examined, as it puts an end to the process of defining a political strategy in favor of the so-called "Churches Under The Cross" [*Églises sous la Croix*].

An explanation of the aforementioned evolution of Huguenot political thought will be developed in three stages. First, we shall begin with a brief biography of Antoine Court himself and a study of his work as the main-spring of a refugee network for the survival of French Protestantism. Then,

² Jean-Alphonse Turretini of Geneva and Jacques Serces, minister of the King's Chapel of St. James in London, both corresponded with Court. Turretini wrote quite episodically as a counsellor on political and theological matters, and Serces wrote much more frequently as Court's network correspondent in London. Fortunately, both of their correspondences have been partly edited: E. de Budé, *Lettres inédites*, (and we are expecting a critical inventory by Pitassi and Bergon soon); and F. Gardy, *Correspondance de Jacques Serces*.

entering the Huguenot *Refuge* in the stricter meaning of the word,³ we will examine the letters of Court's correspondents. Finally, we will reach a tentative conclusion in the form of a definition of the political attitudes of Court and his correspondents in the context of the traditions of refugee political thought.

1. *Court's network and Protestant loyalty*

When Court and other pastors attended the first Synod in the *Désert* in August 1715, they became involved in a very large enterprise indeed. The purpose of this synod was to re-organize systematically the French Reformed Churches and Discipline, which had been suppressed after 1685 and Louis XIV's Edict of Fontainebleau. This was a vast and difficult undertaking, because French Protestantism had not been totally eradicated, but had survived in a more or less heterodox way.

Court had been brought up by his mother during the Cévennes war. As a child, he had attended assemblies in the *Désert* at which phenomena of "mystical inspiration" took place, which he later claimed that he had found immediately repellent. About Claire, a prophetess, he wrote: "What a pity that her zeal, and more particularly her prophecies, threw her into such extreme mistakes!"⁴

As a young adult, Court himself began to preach and was quite successful at it. He became a popular preacher. With his developing charisma, he would fight the mystical element he found at assemblies. After the first synod took place at Les Montèzes, near Saint-Hippolyte-du-Fort, Court and the other preachers who attended the synod began to walk all through Languedoc, preaching in every village they reached.

After the Revocation of the Edict of Nantes in 1685, panic had spread among the Protestants in France. Apart from prophetism, only private family prayers remained of French Protestantism, and they could not make up for the loss of a religious community. Therefore, the most urgent task was to organize public assemblies, the famous "assemblies in the desert" [*assemblées au Désert*]. Another priority was to establish Elders, chosen

³ Court himself became a refugee when he settled in Lausanne in 1729.

⁴ "Quel dommage que son zèle, mais plus particulièrement ses prophésies la jetassent dans des égarements extrêmes!" E. Hugues, *Mémoires d'Antoine Court (1695-1729)*, p. 34. English translations in the text of the French quoted in the footnotes in this article are by the editor.

for their morality, who would guarantee the survival of the Church. As for practical organization, nothing had changed since 1685. Just as during the Cévennes war, reliable people were in charge of convening the congregation, going from one village to another. At night, *Nouveaux Convertis* would gather in the countryside, women carrying tiny Bibles in their head-dress.

Soon, Court and his friends had to solve an important problem. Rejecting prophetism, and having received no ordination, how could they obtain legitimacy themselves? They decided to send Corteiz and Bonbonnoux, two of Court's friends, to Geneva in order to ask B. Pictet if the attendants at the 1715 synod had the right to administer the sacraments. Pictet answered that a Church without a minister could choose its own. This minister could temporarily administer the sacraments. This was the first time that Court and his colleagues called upon Geneva in order to obtain a guarantee. Court's friend Corteiz, having received ordination in Zurich, ordained him in turn in 1718. Also present at the 1715 meeting, Roger, a refugee minister who had come back to his native land in Dauphiné, founded many Churches there. One thing led to another, and synods were organised in Dauphiné, Vivarais, and Languedoc again, until 1726, when the first really national synod was held. In this part of France, Protestants could henceforth rely on a nascent ecclesiastical structure, with proper ministers or preachers chosen by synods.

Court and the other pastors soon realized that the level of Christian education amongst the faithful was critically low. Books and ministers were badly needed. Moreover, every newly evangelized province revealed the same situation. Work had to be done systematically throughout the country. To this end, money and good will had to be gathered throughout Europe. This is how Court's correspondence network began.

After Court sent friends to Geneva in order to obtain permission for himself and the other predicants to preach in the *Désert*, dealings with the *Refuge* became very frequent. Whereas in 1719, letters sent from foreign countries already reached 40% of his correspondence received, the proportion had grown to 63% in 1730, 57% in 1745, and 75% in 1752. Of course, Court himself had left the kingdom in 1729, which might be thought to explain the ratio inversion, considering the danger of sending letters from France to Lausanne. Nevertheless, the volume of French letters did not diminish during these years. One can then conclude that Huguenot refugees became increasingly involved in the condition of their French co-religionists.

By the middle of the first half of the eighteenth century, most Huguenot

refugees had been settled in their new countries for quite some time. Some of them had never even known France, since their parents had fled persecution before they were born. Eventually, assimilation to another cultural identity was completed. Born in a country where they were free to practice their religion, it was hard for them to understand the *Nouveaux Convertis* who, according to them, did not have the courage to flee persecution. Some of them did not feel any longer like Frenchmen. As Elisabeth Labrousse puts it, "Paris was no longer the center of the world for them, and 'the king' was not necessarily Louis XIV [or Louis XV]".⁵ Thus, although a bond of solidarity certainly existed between France and the *Refuge*, it was nevertheless sometimes tenuous. However, the fast development of Court's network adds to other evidence that many of the refugees still lived in hope of seeing French Protestantism reestablished.

Switzerland was, from the beginning, the headquarters of Court's network, accounting for more than a third of his letters received. This can be explained by the role of Geneva as the "Protestant Rome".⁶ But the Genevans were tied hand and foot by the vigilance of the French Resident. France was a powerful and dangerous neighbour and Geneva could not afford to upset Louis XV by helping His Majesty's Protestant subjects too openly. Nevertheless, Geneva's *Vénérable Compagnie des Pasteurs* was deeply involved in Court's network, though no trace of it could be found in its registers. Turrettini, Pictet, and Maurice⁷ were all members both of the Company and of the very secret Genevan Committee for French Protestantism, founded in 1726. Ever since that date, the latter was in charge of the funds collected for the cause. The letters sent by its members show some impatience towards the Republic's prudence. For example, Lullin deplored prohibition of publication of a manuscript that he wished to publish: "This is a new mark of the servility in which we are more and more plunged by a timid policy".⁸

The greater part of Court's correspondence was addressed to or came

⁵ E. Labrousse, *La révocation de l'Édit de Nantes*, p. 211.

⁶ M. Yardeni, *Le Refuge protestant*, p. 24.

⁷ Professor Maurice taught history, oriental languages, and theology at the Academy of Geneva. He became the dean of Geneva's *Vénérable Compagnie des Pasteurs* in 1742.

⁸ "[C'est] une nouvelle marque de l'asservissement où nous sommes plongés de plus en plus par une timide politique". Geneva, Bibliothèque Publique Universitaire [hereafter B.P.U.] Collection Court 1/XXIV fol. 936. Lettre de Lullin à Polier du 16 octobre 1751.

from Geneva, but other Swiss localities were nearly as important. Lausanne, where the French Seminary was founded in 1729 and which was ruled by the powerful government of Bern, was therefore a place of greater freedom. Funds collected in Geneva were mostly used by the Seminary in Lausanne. Teachers and members of the committee in charge of this Seminary would be eager to get news from France. They often sent advice to Court concerning the strategy he should adopt towards the monarchy.

Refugees from the United Provinces, Germany, and England were called upon to provide services and advice as well. Towards all of them, Court's position was that of a beggar. He begged for money for the Seminary, for books, for diplomatic intervention, for anything and everything. But the perceived weakness of his position compared to that of his correspondents gives an idea of the uncertainty of the destiny of the French Protestants. Thus, Court himself had to play a diplomatic part: any lack of conformity on his part to refugee political opinions might have broken this precarious balance.

Moreover, in order to understand the nature of the relations between Court and the notables of the *Refuge*, it is very important at this point to keep in mind the fact that Court himself was not an educated man. As he wrote in his *Mémoires*:

It was necessary thus to hold on to what he already knew, and to console himself always for the lack of means to achieve that end to which his zealous parents had destined him. Having lost the hope of pursuing any further studies, [...] he settled for becoming a merchant.⁹

Court did not actually become a merchant. But he always kept towards his correspondents the kind of humble attitude he showed in his *Mémoires*, and his correspondents often wrote to him with obvious pedagogical intentions. This is also important in helping us to understand why he never really elaborated a theory, either on theological or on political matters. His letters reveal more of what might be called political attitudes than elements of a deliberately constructed theory.

What was essential to Court was faithfulness to tradition. This appears, in the first place, in the organization and discipline he gave to the French Reformed Churches. His main purpose was to maintain French Protestants

⁹ "Il fallut donc s'en tenir à ce qu'il sçavoit déjà, et se consoler pour toujours du manque de moyens de parvenir au but auquel ses zélés parens l'avoient destiné. Ayant perdu l'espérance de pousser plus loin ses études, [...] il prit le parti du commerce." E. Hugues, *Mémoires d'Antoine Court*, p. 24.

in their faith, and to restore the 1559 *Discipline*, which had lost authority since the *Camisard* episode. In that respect, Court already followed refugee opinion.¹⁰ Indeed, in July 1719 Jacques Basnage wrote to the French synod that: "All of the rules of discipline that you observe conform to those of our fathers, whose pains and courageous efforts were blessed by God",¹¹ and again in 1721: "the order that you have established pleases me because it is perfectly in conformity with our discipline and with the regulations of our ancient synods".¹²

Basnage's insistence on the point of tradition deserves comment. Court had grown up among prophetesses, friends of his mother. Moreover, many of the preachers working with him in the *Désert*, such as Vesson, Claris, and Bonbonnous, were ex-*Camisards*. Basnage would have been aware of this *Camisard* element within the *Désert*. By referring constantly to tradition he may well have put Court on his guard against prophetism. As mentioned above, Court was naturally resistant to this phenomenon. The principles of the reconstructed Church included in the acts of the 1715 Synod show this clearly.¹³ But Basnage was a moral and religious authority within the *Refuge*. Court understood that he should submit to the refugees' positions on ecclesiological and political matters. And in fact, he wrote the following to Basnage in response to his *Instruction pastorale*: "We count it a duty and a pleasure to listen with respect and with docility

¹⁰ P. Joutard, *La légende des Camisards, une sensibilité au passé*, pp. 90-97 and 117-162.

¹¹ "Toutes les règles de la discipline que vous observez sont conformes à celles de nos pères dont Dieu a béni les soins et les courageux efforts". Geneva, B. P. U. Collection Court 1/II fol. 199. Lettre de Basnage au synode du 8 juillet 1719.

¹² "l'ordre que vous établissez me fait plaisir parce qu'il est parfaitement conforme à notre discipline et aux règlements de nos anciens synodes". Geneva, B. P. U. Collection Court 1/II fol. 191. Lettre de Basnage à Court du 4 juin 1721.

¹³ "1. que, selon l'ordre de Saint-Paul, il serait défendu aux femmes de prêcher à l'avenir; 2. qu'il serait ordonné de s'en tenir uniquement à l'Écriture sainte, comme à la seule règle de la foi, et qu'en conséquence l'on rejeterait toutes les prétendues révélation, qui avaient la vogue parmi nous, et qu'on les rejeterait non-seulement parce qu'elles n'avaient aucun fondement dans l'Écriture, mais encore à cause des grands abus qu'elles avaient produits". In E. Hugues, *Les synodes du Désert. Actes et règlements des synodes nationaux et provinciaux tenus au désert de France de l'an 1715 à l'an 1793*, vol. I, p. 2.

to all that comes from you or from your colleagues.¹⁴

Thus, in his writings, letters, and pamphlets in favour of the Protestants, and memoirs sent to Versailles, Court constantly reasserted the French Protestants' loyalty towards the king. As usual, this loyalty relied on the (sincere?) belief that the king had been misinformed:

We are persuaded that almost all of the violence and excess that were used against us in the previous reign were exercised without the knowledge of the king after he had been tricked and seduced by the Pharisees of the century.¹⁵

Submission to civil authority was also inscribed in the acts of the 1726 national synod.¹⁶ Court insisted on every assembly starting with prayers for the King's health or military good fortune.¹⁷ French Protestants had to restore their reputation as His Majesty's most faithful subjects: "If Monseigneur the Regent could read our hearts, he would see written there in unerasable letters the fidelity and devotion of our hearts for the king and for his service".¹⁸

However, submission to a king did not necessarily mean that French Protestants should submit to the French king. Thousands of them had left

¹⁴ "Nous nous faisons toujours un devoir et un plaisir d'écouter avec respect et avec docilité tout ce qui viendra de votre part ou de celle de messieurs vos collègues". Geneva, B. P. U. Collection Court 1/II fol. 91. Réponse à Basnage sur son instruction pastorale du 20 avril 1719. Du Désert, ce 30 juillet 1719.

¹⁵ "Nous sommes persuadés que presque toutes les violences et les excès dont on a usé envers nous dans le règne précédent ont été exercés à l'insu du roi après avoir été trompé et séduit par les Pharisiens du siècle". Letter cited in previous note.

¹⁶ "Tous les pasteurs, proposants, anciens, et toutes personnes réformées et chrétiennes soumises à nos réglemens demeureront inviolablement soumises et obéissantes aux Puissances Supérieures, dans toutes les choses où Dieu et la conscience ne sont point offensées, savoir : au Roi Louis XV, notre Sire, à ses légitimes successeurs, à ses gouverneurs, commandants, intendants, magistrats et autres personnes établies par lui, et feront prières publiques et particulières pour son auguste personne, pour les princes et princesses de sa royale maison, et pour tous ceux qui exercent la police et justice en son nom; et ne favoriseront aucun traître, rebelle, ni perturbateur; et si quelqu'un était assez méchant de refuser de remplir un si important devoir d'institution divine, il sera poursuivi par toutes voies ecclésiastiques". E. Hugues, *Les synodes du Désert*, p. 54.

¹⁷ Geneva, B. P. U. Collection Court 1/II fol.109. Lettre de Court à Pictet de 1719.

¹⁸ "Si Monseigneur le duc régent pouvoit lire dans nos cœurs, il y verroit écrite, avec des lettres ineffaçables, la fidélité et le devouement de nos cœurs pour le roy et pour son service." Letter cited in previous note.

France after 1685. Why not offer submission to a Protestant king and thus not suffer from a conflict of loyalties? When Alberoni's conspiracy was discovered, the famous Henri Duquesne, who had lead the project for a Huguenot colony in the East Indies in the 1690's and who had settled in Geneva, asked Court to find out about a Scipion Soulan, presumably one of Alberoni's spies. The information thus gathered would be sent to the French Court, as a proof of loyalty. After a few weeks, the synod sent a letter enclosing the required information:

Whereas the king, wrongly informed about our religion and our fidelity to his service, maintains and even enforces the terrible edicts that the false-devouts extorted from his great-grandfather, when all of the kings of the earth offer us aid and the liberty to exercise our religion publicly if we would revolt against our prince, we remain faithful to him.¹⁹

These lines sum up Court's entire strategy: of course, *Nouveaux Convertis* would not give allegiance to Catholic Spain. But in any case Court's ambition was to restore French Protestantism within the kingdom. This means that he did not care for the idea of a collective emigration. Individual religious freedom was not his main purpose. What was essential to him was the reestablishment of the French Reformed Churches as an institution. From his point of view, it was not only himself, but the whole institutional structure that should submit to the king. Most refugees, however, did not share this point of view, so Court was constantly torn between his own purposes and the necessity of pleasing his distinguished correspondents.

2. *Differences over tactics concerning assemblies in the Désert*

Apart from the question of prophetism,²⁰ the *Camisard* war was in the

¹⁹ "Tandis que le roi mal informé de notre religion et de notre fidélité pour son service laissera subsister et fera même exécuter les terribles édits que les faux-dévôts excroquèrent [sic] à son bisaïeul, quand tous les rois de la terre nous offriraient leurs secours et la liberté d'exercer publiquement notre religion, pourvu que nous nous révoltions contre notre prince, nous demeurerions fidèles". Geneva, B. P. U. Collection Court 1/II fol.116. Exposition Duquesne sur l'information de Scipion Soulan. 14 août 1719.

²⁰ On this question, see F. Laplanche, *L'Écriture, le sacré et l'histoire. Érudits et politiques protestants devant la Bible en France au XVIIème siècle*, pp. 679ff., and M.-C. Pitassi, *De l'orthodoxie aux Lumières, Genève 1670-1737*, Chap. VI.

first place condemned because it was a war. In that respect, Court and his correspondents agreed on a Baylean position: armed rebellion against the king was unacceptable. Submitting to civil authorities was constitutive of real faith: "You know your religion too well not to know that one of the first duties which is prescribed to us is that of obedience to the superior powers, because there is no power that does not have its authority from God".²¹ Nothing could be more faithful to the convictions Bayle expressed in his *Advice to the Refugees* [*Avis aux Réfugiés*].²² But submission to absolutism was, from the refugees' point of view, incompatible with the establishment of assemblies in the *Désert*. Court and the synods were inflexible with regards to attendance at Catholic mass: it was strictly forbidden.²³ The refugees agreed on this point, but on the other hand, public assemblies seemed too obvious a transgression of the law to be acceptable. This is at least what Basnage thought. When the Regent, Philippe of Orleans, heard about Alberoni's plots, he asked Basnage to write an address to the Churches of the *Désert*. This became the *Pastoral Instruction to the Reformed of France*.²⁴ Basnage stresses the essential principles of the Reformed faith and advises French Protestants against large assemblies:

As long as God preserves your life, consecrate it to him with love and an inviolable attachment to the truth according to the teaching of Saint Peter, 'fear God and honor the king'. The gentleness of the present government is like a sweet Spring breeze after the rigors of a long winter, which revitalizes the earth and revives the plants that seemed dead [...] Do not become attracted to tumultuous assemblies, and by an indiscreet zeal bring on new calamities, which

²¹ "Vous connoissez trop bien vostre religion pour ignorer qu'un des premiers devoirs qu'elle nous prescrit c'est l'obéissance aux puissances supérieures, car il n'i a point de puissance qui ne tienne son autorité de Dieu". Geneva, B. P. U. Collection Court 1/II fol.69. Lettre de Vial aux fidèles du Languedoc d'avril 1719 (Jacques Vial de Beaumont, former pastor in Grenoble, settled in Geneva in 1705. He was pastor of the Church of Dardagny.)

²² See E. Labrousse, *Pierre Bayle*, vol. 1, chap. 8.

²³ "10. Les pasteurs, proposans et anciens exhorteront les fidelles de faire bénir leur mariages, et administrer le sacrement du bapteme à leurs enfants par les pasteurs reconnus et établis de nous, et de ne plus aller vers les pretres de la Communion romaine [...]; et ceux qui désormais se porteront à des lachetés pareilles seront censurés publiquement et privés de la communion..." Premier synode national de 1726. E. Hugues, *Les synodes du Désert*, p. 56.

²⁴ *Instruction Pastorale aux Réformez de France, sur la persévérance dans la foi et la fidélité pour le souverain*, Rotterdam, 1719.

at the present time seem to be [merely] a product of the system of justice, rather than products of hate and differences of religion.²⁵

Here, if allegiance to the king remains a religious duty, public order is a primary concern. Since the government seems to be well disposed towards Protestants, the latter should manifest their gratitude by keeping quiet. What is more, Basnage suggests that repression of tumultuous assemblies is not an assault against a different religion, but simple justice. Civil authorities, whom the refugees had once considered misled by papist idolatry, had now become enlightened enough to do justice as serenely on religious matters as on others.

Basnage continues his *Instruction* by encouraging *Nouveaux Convertis* to keep their religious cult private:

You know that we are a long distance from superstition, which attaches some particular virtue and holiness to certain places that are preferable to others, and your houses can be as good as temples if you consecrate them to God by prayer and a spotless devotion.²⁶

There is a general tendency among Court's refugee correspondents to encourage private worship. This comes from persistent rumours of the existence of armed assemblies. What refugees dreaded most of all was armed sedition in the *Désert*. In 1719, most letters mention this subject. Peacefulness was the main condition they required for the help they could offer to the French Churches. Court and the synod reacted politely but firmly. Public assemblies were the cornerstone of their edifice. There is some perfidy in their answer to Basnage:

We are not unaware that the temerity and the ambition of some is hidden under

²⁵ "Pendant que Dieu vous conservera cette vie, consacrez la lui par un amour et un attachement inviolable pour la vérité selon le précepte de Saint Pierre, 'craignez Dieu et honorez le Roy'. La douceur du Gouvernement present est comme un vent doux et printanier, lequel après les rigueurs d'un long hyver, anime la terre et fait revivre les plantes qui paroissent mortes.. [...] Ne vous attirez point par des assemblées tumultueuses, et par un zele indiscret de nouveaux malheurs, qui dans le temps present paroîtroient sortir du sein de la Justice, plutôt que de la haine et de la difference de Religion". Basnage, *Instruction Pastorale*, p. 16.

²⁶ "Vous savez que nous sommes fort éloignés de la superstition, qui attache quelque vertu particulière et de la sainteté à certains lieux preferablement aux autres, et vos maisons deviendront autant de temples, si vous les consacrez à Dieu par des prières et par une devotion sans tâche." Basnage, *Instruction Pastorale*, p. 18.

the name of zeal; but we also know that the timidity and love of the world of many others is unjustly hidden under the name of prudence. Those who are far away cannot judge of matters except by reports that are often false and are rarely particularized and nuanced.²⁷

In other words: "we are prepared to believe that you are advising us out of benevolence rather than out of cowardice or political considerations. But your quiet, exiled position does not allow you to judge our work".

The difficulty caused by distant view was often put forward by Court. As a matter of fact, how could a French minister, out of the kingdom for more than 30 years, accurately appreciate the situation of the French Churches? Court was confronted with this problem with nearly all his refugee correspondents. This should contribute to explain the enormous number of letters, and the impression of frequent repetition one gets from reading them. Court himself had to face the problem of distant view after 1729, when he eventually settled in Lausanne because searches launched against him had become too dangerous. As a spokesman for the French Churches living outside of France, Court was in a very awkward situation. But, having reassured Basnage, Pictet, and Vial about the peaceful intentions of the French Churches, and asserted the merits of public assemblies as places of propaganda for submission to absolutism, Court could rely on the refugees' support.

3. *Court's Apologie*

Training ministers in Lausanne, sending them to the *Désert*, and organizing assemblies was not enough. Assemblies were still sometimes interrupted by royal troops, and their participants sent to the galleys. Whereas 1744 had been, in that respect, a peaceful year (royal troops were away at the War of Austrian Succession), 1745 started cruelly for French Protestants. Many of them were sent to the royal prisons, severe fines were imposed on Protestant localities, and the ancient declarations of prohibition of

²⁷ "Nous n'ignorons pas que la témérité et l'ambition de quelques-uns se couvrent souvent du nom de zèle; mais nous savons aussi que la timidité et l'amour du monde de plusieurs autres se couvrent injustement du nom de prudence. Ceux qui sont éloignés ne peuvent juger des choses que sur des rapports qui sont souvent faux et rarement particularisés et distingués". Geneva, B. P. U. Collection Court 1/II fol. 91. Réponse à Basnage sur son instruction pastorale du 20 avril 1719. Du Désert, ce 30 juillet 1719.

assemblies were posted up again.

This sudden change of attitude of the French monarchy can be explained by the vehement anti-Protestant demands of the Catholic clerical assembly that took place in February of 1745.²⁸ Nevertheless, the king seemed to look for arguments in favour of the Protestant assemblies. At least he manifested his will to be further informed on the intentions of his *Nouveaux Convertis* subjects:

...a letter has been received from the principal town from M. Du Bourg on this side of the sea [code for Paris], which indicates that the principal heads of the grand committee of M. Du Bourg [Louis XV's most important councillors] have been discussing the subject of social relations among the apprentices [the French Protestants], and they have demanded a detailed report on everything that happens in the markets [the assemblies in the *Désert*].²⁹

Court and his friends in Lausanne discussed whether to take the opportunity to sending such a memoir to the court. As usual, before making any decision, Court decided to refer the matter to his correspondents of the *Refuge*. He got various answers. The most widespread opinion was that whatever decision was to be made as regards the publication of an *apologia*, French Protestants should keep a very humble attitude towards the monarchy. However, a few among Court's correspondents thought that, the monarchy being weakened by foreign war, Protestants should seize this opportunity to initiate a power struggle. Thus, a divergence appeared in refugee political opinion. Let us now examine the arguments produced.

In the first place, refugees who tried to prevent Court from publishing an *apologia* did not want to embarrass the powerful protectors of the French Protestants. Professor Maurice mentioned this in one of his letters to Court and seemed to be thinking particularly of the Archbishop of Canterbury, John Potter.³⁰ From this point of view, the diplomatic game

²⁸ Geneva, B. P. U. Collection Court 1/XVI fol. 149. Lettre de Lullin à Court du 25 mars 1745.

²⁹ "...on a reçu une lettre venant de la ville principale de M. Du Bourg d'en deçà la mer, qui marque que les principales têtes du grand comité dudit M. Du Bourg ont été en conférence sur le sujet du commerce des pupiles et qu'ils demandent un mémoire circonstancié de tout ce qui se passe dans les foires". Lettre de Court à Serces du 16 février 1745 in F. Gardy, *Correspondance de Jacques Serces*, p. 70.

³⁰ "Peut-être une telle pièce tombant entre les mains de quelque prélat bienfaiteur de nos pauvres frères, les indisposeroit-elle contre eux?". Geneva, B. P.U. Coll. Court 1/XVI fol. 100. Lettre de Maurice à Court du 19 février 1745.

Court's network had to play was a hard one. In the constant hope that the situation of the French Protestants could be improved during the negotiations of a peace conference, refugees were very anxious to treat the Archbishop of Canterbury tactfully, as he was an intermediary between them and George II, and moreover one of their most regular financial suppliers.

In addition, refugees expressing their opinion in favour of humility wanted to grant the French monarchy some latitude: "Perhaps one will obtain more by making demands with humility and as an effect of the clemency of the king, than by demonstrating publicly the justice of the demand..."³¹ Maurice's reasoning is clearly that a public demonstration of the validity of the Protestants' demands would put the king in an awkward situation. By appealing to public opinion (which would be the purpose of publishing an *apologia*), French Protestants would force the king's hand. They would appear to be trying to show him the right way of managing public affairs, which would be incompatible with the very essence of absolutism, based upon the king's good will. Secret negotiations, confirming the Protestants' loyalty to the king, as well as discreetly restating the support they received from Protestant states, might be, according to Maurice, much more successful. Other refugees shared this opinion. Thus Royer, the French Protestant pastor in The Hague, also considered that a revival of persecutions would be the immediate result of an appeal to public opinion. He suggested that the *apologia* should at least be published in a foreign country, so that it would not appear to be written by French Protestants.³²

The public nature of Court's project of writing an *apologia* is obviously what the refugees dreaded most. Ami Lullin denounced the danger of a public maneuver:

One would not know how to do too much to make our claims about the sincere resolution of our dear brothers to do nothing against the welfare and the tranquility of the kingdom and about the innocence of the assemblies to succeed at Court, but the question at issue is to know if they ought to act as a body and take some sort of resounding measures, or if it would not be preferable to take

³¹ "On obtiendra peut-être plus en demandant avec humilité et comme un effet de la clémence du monarque, qu'en démontrant publiquement la justice de la demande". Letter cited in previous note.

³² Geneva, B. P. U. Collection Court 1/XVI fol. 202. Lettre de Royer à Court du 29 avril 1745.

particular measures without fanfare.³³

Lullin's use of the word "body" is interesting. The question was, should French Protestants act as a party, heir of the Huguenot party of the sixteenth century? Antoine Court sometimes seemed to want that. There is a note of impatience in the words "the question at issue is to know" ["*il s'agit de savoir*"] whether that would be best, or should they humbly present themselves as faithful subjects of their beloved king? Lullin's answer to this question appears clearly in his letter. French Protestants might obtain at least tacit toleration as mere individuals. Any claim as a group would incite the monarchy to reinforce the repression against the unarmed congregations.

Achard and Rochemont also tried to put Court on his guard against the foreseeable reaction of the monarchy to an *apologia*. Achard wrote, "You know, sir, that it is politics, and not religion, that determine the Court's decisions".³⁴ Rochemont wrote, "It [the Court] regards the Protestants not as Christians of a different sect or opinion from the Papists, but as a political party that could threaten the State".³⁵ Both of these pastors insisted on the political nature of the position of the French Protestants as a group in the kingdom. Any *apologia*, even if it merely discusses religious facts, would be interpreted as a political pamphlet.

Another argument against the publication of an *apologia* was the step by step strategy that the refugees would have preferred to adopt. Once more, it is a question of obtaining individual rights as opposed to a group claim. Jaques Serces suggests that the first stage of this process should be the

³³ "On ne sauroit trop faire parvenir à la Cour des protestations sur la résolution sincère de nos chers frères de ne rien faire contre le bien ni la tranquillité du Royaume et sur l'innocence des assemblées, mais il s'agit de savoir si l'on doit agir en corps et faire quelque démarche d'éclat et s'il ne vaut pas mieux préférer les voies particulières et sans bruit". Geneva, B. P. U. Collection Court 1/XVI fol. 145. Lettre de Lullin à Court du 20 mars 1745.

³⁴ "Vous savez, Monsieur, que c'est la politique, et non la religion, qui détermine la Cour". Geneva, B. P. U. Collection Court 1/XVII fol. 111. Lettre d'Achard à Court du premier septembre 1745.

³⁵ "Elle [la Cour] regarde les protestans non comme des chrétiens d'une secte ou d'une opinion différente des papistes, mais comme un parti politique qui peut devenir redoutable à l'Etat." Geneva, B. P. U. Collection Court 1/XVII fol. 172. Lettre de Rochemont à Court du 30 octobre 1745. Rochemont was the French pastor in Cassel.

abrogation of penal laws against French Protestants.³⁶ This suggestion might well have arisen in Serces's mind by analogy with the Irish situation: the penal laws enforced against Irish Catholics were very similar to those enforced against French Protestants. Serces would have been aware that although the Crown attempted unsuccessfully to put the law into operation, most often the local authorities turned a blind eye to contraventions of the law. Therefore, he apparently assumed that the French king, who was no more successful in enforcing the laws, would consider the abrogation of penal laws a satisfactory compromise.

The majority of Court's correspondents were in favour of humble requests addressed to the king for a step by step elaboration of a *modus vivendi* for the French Protestants. Nevertheless, there was a minority of members of Court's network who wanted him to publish an *apologia*. Barthélémy Barnaud, a refugee pastor settled in La Tour, near Lausanne, was one of them. In a letter to Polier,³⁷ he expressed his opinion that the authorities were prepared to allow public assemblies. Only the vehemence of the Catholic Clerical Assembly prevented them from doing so. His letter uses a military vocabulary:

...many people, and without doubt for a rather long time, have put their efforts into obtaining the execution of the decrees that have been issued against them [the Protestants]. Why hesitate to oppose them with counter-batteries? Do you expect to see new decrees appearing in confirmation of the preceding ones, for the pleasure of the adversaries? ³⁸

Here, it is only the Catholic hierarchy that is denounced as "the adversaries". However, the idea of a power struggle against the monarchy appears later on in the letter:

But what circumstances more favorable than that France does not know, so to speak, which way to turn? [...] Is not this the eve of seeing all the princes of the Empire united against France? And who knows if Holland will not declare itself?

³⁶ Lettre de Serces à Lullin du 25 janvier 1745 in F. Gardy, *Correspondance de Jacques Serces*, p. 58.

³⁷ Georges Polier taught Greek, Hebrew, morals, and catechesis at the Academy of Lausanne. He also taught at the Lausanne French Seminary.

³⁸ "...bien des gens, sans doute depuis assez longtemps, font leurs efforts pour obtenir l'exécution des arrêts qui leur [aux protestants] sont contraires. Pourquoi différeroit-on à leur opposer de bonnes contrebatteries? Attendroit-on qu'on eut vu paroître quelque nouvel arrêt en confirmation des précédents et au gré des adversaires?" Geneva, B. P. U. Collection Court 1/XVI. Lettre de Barnaud à Polier de janvier 1745.

And if that happens, could we not expect much more support for the Protestants in France than if the Court is supported, or succeeds in its plans?³⁹

The intention here betrayed seems very distant from that expressed by Court's other refugee correspondents. From Barnaud's point of view, the bad fortune of French foreign policy was a good opportunity as long as it served the interests of the French Protestants. Whereas Achard and Rochemont deplored that the king kept considering the question of French Protestantism as a political one, Barnaud definitely presents it as such, so that political means have to be employed to obtain satisfaction. An *apologia* could be used as a political means, and therefore one must be published.

Inspired by different motives, Court shared this opinion. He wanted to publish his *Apologie* in the first place because, persecution having spread again, he thought that there was nothing to lose. The only way to lessen the harshness of the attitude of the French authorities towards the Protestants was to let them know precisely about the nature of the assemblies in the *Désert*, and to put forward the benefits to be obtained by allowing them to continue. These were his proclaimed intentions. They appeared in the first draft of the memoir he sent to Jacques Serces.⁴⁰ But there is still something of a threat to the monarchy implied in these lines:

One ought to fear a zeal that believes that everything is permitted and that believes it is rendering service to God by doing harm to those which it believes are heretics. One should fear this in a commander, in an intendant, in a subdelegate, in a bishop, and in a simple village priest. It is a false zeal which creates fanaticism and revolt, or the so-called war of the Camisards, and which has such terrible results.⁴¹

³⁹ "Mais quelles circonstances plus favorables que lorsque la France ne sait, pour ainsi dire, pas où donner de la tête? [and further], N'est-on pas à la veille de voir tous les princes de l'Empire se réunir contre la France? Et qui sait si la Hollande ne se déclarera pas? que si cela arrive, ne peut-on pas espérer beaucoup plus de support pour les protestants de France que si la Cour étoit parvenue, ou parvenoit à ses fins?" Letter cited in previous note.

⁴⁰ "Mémoire et réflexions sur l'état des protestans en France et sur ce qui se passe dans leurs assemblées" [by Antoine Court], in F. Gardy, *Correspondance de Jacques Serces*, pp. 79-82.

⁴¹ "On doit craindre un zèle qui se croit tout permis et qui, en faisant du mal à celui qu'il croit hérétique, s' imagine rendre service à Dieu. On doit le craindre dans un commandant, dans un intendant, dans un subdélégué, dans un évêque, dans un simple curé de village. C'est un faux zèle qui donna lieu au fanatisme et à la révolte, ou à la guerre dite des camisards, et qui eut des suites si funestes." "Mémoire" by Court in F. Gardy, *Correspondance de Jacques Serces*, p. 82.

Court writes these lines as a party leader threatening the enemy with reprisals executed by his own uncontrolled troops. Presumably, the mention of the *Camisards* should intimidate the king. Once more, Court's natural tendency to strong measures has to be moderated by his refugee correspondents.

In the end, the *Apologie* was published, but in the form of a cross between a polemical pamphlet and a mere description of the assemblies in the *Désert*.⁴² Court had again found a solution which could suit his own purpose as well as that of his correspondents.

4. Emigration

Even though most of the refugees dreaded the consequences of the publication of a polemical pamphlet, they were aware of the fact that French Protestants could not bear the situation much longer. They were constantly thinking about a possible solution, and some of them attempted to organize projects of emigration.

Rochemont suggested an emigration to the principality of Hesse as early as April 1745. By October, his project seemed to have reached a stage near realization. He asked how many families could settle in Hesse, what were their livelihoods, what kind of privileges they would demand for their settlement.⁴³ Court supported neither this project nor the one proposed by Jacques Serces. In July of 1745 Serces wrote concerning the organization of an emigration to Ireland,⁴⁴ but Court did not even mention this project in his letters until September. His answer showed no enthusiasm. Concerning a pastor who came from the *Désert* to Lausanne in order to give accurate information on the situation of the Churches, he wrote:

he drew our attention to the fact that, considering the connections that attach men in so many different ways, one cannot promise that that party [emigrationists] will be embraced, unless the Protestants see themselves

⁴² A. Court, *Apologie des protestants du royaume de France sur leurs assemblées religieuses*, Au Désert, 1745.

⁴³ Geneva, B. P. U. Collection Court 1/XVI fol. 197 et 1/XVII (172). Lettres de Rochemont à Court du 24 avril et du 30 octobre 1745.

⁴⁴ Lettre de Serces à Lullin du 11 juillet 1745, in F. Gardy, *Correspondance de Jacques Serces*, p. 105.

constrained by a general and violent persecution.⁴⁵

It is clear that Court disapproved of emigration unless it was absolutely necessary. One of the purposes of publishing the *Apologie* was to encourage the congregations to continue to attend public assemblies. That publishing project would not have been undertaken if Court had had a project of emigration in mind. Moreover, the actual force of the French Churches came from the number of their faithful. According to Court, emigration would have been a kind of betrayal of the cause. What is more, the testimony of the minister of the *Désert* provided him with solid arguments: who can be better informed on the intentions of the *Nouveaux Convertis* than a pastor of their own Church?

However, refugees kept insisting on the benefits to be drawn from an emigration. They considered it to be the best solution for French Protestants. Indeed, did they not once make this decision themselves? In 1751, Rochemont declared: "Those who love religion more than the world should leave a country where their faith is oppressed and their consciences exposed to the most violent temptations".⁴⁶ Curiously enough, Rochemont's letter reminds us of the letter Court once sent to Basnage, suspecting the detractors of public assemblies of being shamefully attached to secular things. Thus, the peaceful conflict between Court and his correspondents appears again.

An emigration eventually took place in 1752, when the persecutions became intolerable. Children were kidnapped from their parents in order to be re-baptized in the Catholic Church. In its nature, this emigration was quite different from the massive exodus provoked by the Revocation of the Edict of Nantes in 1685. The latter had been a spontaneous movement, whereas in 1752, Court's network minutely organized it. It was actually a failure: only a few hundred people, most of them young bachelors, made their way to Ireland. Court finally submitted to the refugees' insistence because he thought that the strategy of emigration could be part of a

⁴⁵ "il nous a fait observer que, vu les liens qui attachent les hommes par tant d'endroits différens, on ne pouvoit pas se promettre que ce parti fût embrassé, à moins que les protestans ne s'y vissent contraints par une persécution générale et violente". Lettre de Court à Serces du 17 septembre 1745, F. Gardy, *Correspondance de Jacques Serces*, p. 112.

⁴⁶ "Ceux qui aiment la religion plus que le monde doivent se retirer d'un pays où leur foi est opprimée et leur conscience exposée aux plus violentes tentations". Geneva, B. P. U. Collection Court 1/XXIV fol. 910. Lettre de Rochemont à Court du 9 octobre 1751.

strategy of a more confrontational power struggle. The following explains why he changed his mind:

...knowing, as we cannot doubt, that the government of France fears almost as much the flight of its Protestant subjects as a rebellion on their part, especially since it has been able to recognize that there is no disposition among them for the latter, it will probably be more disposed to do something in their favor which, softening the edicts, would fix their religious status on a footing that they could be comfortable with, when it perceives that a large number would decide to leave the kingdom, and the advantages that its enemies would derive from that.⁴⁷

Thus, the questions we have seen debated, namely the necessity of public assemblies, the validity of publishing a pamphlet in favour of the French Protestants, and the hopes to be placed in an emigration, reveal the necessity of continual compromises between Court and his refugee correspondents. Obviously, if the support given to French Protestants was their common purpose, they often disagreed on the means to be employed. Our analysis of the nature of the political attitudes of the members of Court's network has partly explained these divergences.

5. Conclusion

In closing remarks, we will in the first place attempt to underline Bayle's influence on Court's correspondents with respect to loyalty toward the monarchy. The second point of conclusion will be an analysis of the debate about the appeal to public opinion. Finally, we will draw some tentative lessons concerning Court's network as an intellectual and cultural community.

The influence of Baylean thought on the political attitudes of Court's network was determinant. Indeed, although Court as a child received an

⁴⁷ "...sachant, comme nous n'en pouvons pas douter, que le Gouvernement de France craint presque autant le refuge de ses sujets protestans qu'une rébellion de leur part, surtout depuis qu'il a pu reconnoître qu'il n'y a parmi eux aucune disposition à ce dernier parti, seroit probablement plus disposé à faire quelque chose en leur faveur, qui, en adoucissant les édits, fixa leur état du côté de la religion sur un pied dont ils pussent s'accomoder, lorsqu'il s'apercevrait du parti que prendroient un grand nombre de sortir du Royaume et des avantages que ses ennemis en retireroient". Lettre de Court à Serces du 2 novembre 1745, in F. Gardy, *Correspondance de Jacques Serces*, p. 117.

incomplete education, as an adult he was eager to read as many books as he could. Among them, Bayle's works played an important part. Philippe Joutard found 150 pages of notes taken by Court while he was reading Bayle in order to obtain some methodological guidance for his *History of the Troubles in the Cévennes*.⁴⁸ Court must have read the *Philosophical Commentary* as well as other writings quoted by Joutard. Indeed, the following extract of his first draft for the *Apologie* is almost a copy of Bayle's parable of the missionaries' conference:

One cannot condemn them [the Protestants] without condemning the entire Christian church, without condemning the Apostles, their disciples, the Church of the first three centuries, which, living under the pagan emperors, never abandoned their mutual assemblies, in spite of several edicts that these princes published to suppress them, and in spite of the punishments that they were made to suffer when they were found, [...] Moreover, can one regard as damnable that worship which one renders to God in the firm belief that it is agreeable to Him? The Republic of Holland does not think so, without doubt, because it permits different forms of worship in its territories; do not the Muslims tolerate Christians in theirs?⁴⁹

Many other arguments included in the *Apologie* were once used by Bayle. Yet Court's frequent preference for the use of stronger measures towards the French monarchy reveals the limits of his Bayleanism.

In contrast, Bayle's influence on Jacques Basnage was clearly established by Gerald Cerny.⁵⁰ Indeed, Basnage's conception of the civil authorities as capable of ruling religious affairs as serenely as others, as we have seen above, proceeds from the same idea as the distinction between religious

⁴⁸ P. Joutard, *La légende des Camisards*, pp. 159-162.

⁴⁹ "On ne peut les [les protestants] condamner qu'en condamnant toute l'Eglise chrétienne, qu'en condamnant les Apôtres, leurs disciples, l'Eglise des trois premiers siècles, qui, vivans sous les empereurs payens, n'abandonnèrent jamais leurs mutuelles assemblées, quelques édits que ces princes donnassent pour les supprimer, et quelques supplices qu'ils fissent souffrir à ceux qui s'y trouvoient, [...] D'ailleurs, peut-on regarder comme damnable le culte qu'on rend à Dieu dans la ferme persuasion qu'il lui est agréable? La république de Hollande ne le pense pas ainsi, sans doute, puisqu'elle permet différens cultes dans ses Etats; les Mahométans ne tolèrent-ils pas les Chrétiens dans les leurs". From: "Mémoire" by Antoine Court, in F. Gardy, *Correspondance de Jacques Serces*, pp. 79-82. See H. Bost, *Pierre Bayle et la religion*, pp. 55-56.

⁵⁰ G. Cerny, *Theology, Politics and Letters at the Crossroads of European Civilization. Jacques Basnage and the Baylean Huguenot Refugees*.

matters and their implications for public order, as described by Bayle.⁵¹

More generally, most of Court's correspondents seem to share Bayle's opinions regarding loyalty towards the French monarchy. Yet, there is a difference between Bayle and Court's correspondents, which comes from the historical context. Apart from theological and philosophical convictions, there was a tactical purpose to Bayle's *Advice to the Refugees*: by encouraging his co-religionists to demonstrate their faithfulness to Louis XIV, Bayle hoped that this would ease the hostility of the authorities towards French Protestants. Court's correspondents had for a long time lost any hope of coming back to the French kingdom. They most certainly sincerely wished to give useful advice to their French co-religionists, but their intentions were sometimes opposite to those of Bayle. They also intended to prove to the respective civil authorities who had welcomed them that French Protestants, whether in the *Désert* or in the *Refuge*, were faithful subjects.

Another difference lies in the fact that Bayle pleaded for individual freedom of conscience rather than for actual civil toleration, even though he often used the word "*tolérance*". Court's correspondents agreed on this. But Bayle never acted as a spokesman. His positions were merely his own individual opinions, whereas Court's network, by constant and public reassertion of the loyalty of the French Protestants, presented the latter as a group.

Basnage's recognition of the legitimacy of repression against public assemblies (if they disturbed public order) reveals the prevalence of the modern theory of natural law in the attitudes of Court's correspondents. It is also confirmed by the refusal of group claims, which would have implied a holist representation of society. This, at least, is what appears from our analysis of the debate on the advisability of an appeal to public opinion.

Court's correspondents were highly aware of the fact that a decision to publish an *apologia* in favour of the French Protestants, as an appeal to public opinion, was a very significant decision. If a few of them thought that this appeal was desirable, as long as it did not openly emanate from the French Protestants,⁵² most of them were frightened by such an appeal. Professor Maurice warned Antoine Court as follows: "Wouldn't it be

⁵¹ F. Laplanche, *L'Écriture, le sacré et l'histoire*, p. 660; and H. Bost, *Pierre Bayle et la religion*, pp. 60-61.

⁵² Achard, for instance, thought that extracts of the *Apologie* should be published in Dutch *Gazettes*. B. P. U. Collection Court, 1/XVII, fol. 111. Lettre d'Achard à Court du premier septembre 1745.

appropriate, before sending it to the press, to have the advice of our friends in Holland and England?"⁵³ Maurice's prudence about the publication of the *Apologie* suggests that he is well aware of the dangers of using public opinion as a weapon.

Rejection of direct confrontation with the French monarchy and a definite will not to appear as a party can be seen as majority attitudes within Court's network. Nevertheless, one gathers from our examination of the letters that its members did not actually agree as a community. Indeed, if Court's correspondents had their work for the support of the French Protestants in common, they showed, through their letters, varied feelings regarding their French co-religionists. This first appears in the way they refer to the French Protestants: whereas correspondents in exile in Switzerland referred to themselves in the same way in which they referred to the French Protestants, as if they had all remained in the kingdom,⁵⁴ most of the other refugees made it clear that they were writing about a foreign country.

Another example of the dissolution of refugee cultural identity is found in the debate about the *Camisards* in 1745. Following the advice of his Genevan correspondents, Court, in the first draft for the *Apologie*, vehemently denounced the *Camisards*. Serces and the whole London committee disapproved of such severity. As Philippe Joutard suggests, this difference of judgment results from two different conceptions of the relation between king and subjects. Court's opinion proceeds from the French political thought of the seventeenth century, whereas Serces's is inspired by Locke and the English tradition.⁵⁵ Serces's proposal of a legalistic demand for the abrogation of the penal laws against the French Protestants also manifests this definite difference of references and horizon.

In addition, as we have underlined above while going through the letters, Court himself is very often in opposition to his correspondents' opinions

⁵³ "Ne seroit-il point à propos, avant que de livrer à la presse, d'avoir l'avis des amis de Hollande et d'Angleterre?". Geneva, B. P. U. Collection Court 1/XVI, fol. 100. Lettre de Maurice à Court du 19 février 1745.

⁵⁴ "Nous avons toujours esté en reputation d'estre les plus fidelles sujets de la monarchie". Geneva, B. P. U. Collection Court 1/II, fol. 69. Lettre de Vial aux fidèles du Languedoc d'avril 1719. Or, "Pourquoi souffririons-nous que nos ennemis continuassent de nous calomnier tandis que nous pouvons leur opposer de bonnes preuves de notre innocence?". Geneva, B.P.U. Collection Court 1/XVI, Lettre de Barnaud à Polier de janvier 1745.

⁵⁵ P. Joutard, *La légende des Camisards*, p. 123.

with regard to the strategy to be adopted. As far as political opinions are concerned, Court turned out to be very isolated within his own network. Indeed, his conception of the place of the Huguenots in French society appears as an archaic way of thinking. We have seen how, on the question of the publication of the *Apologie*, he constantly inclined towards a power struggle against the French monarchy. Only insistent advice from the *Refuge* prevented him from adopting such a strategy. As the anonymous author of the *The French and Impartial Patriot*,⁵⁶ Court gave several reasons why the Edict of Nantes should be reinstated. His conception of the French Protestants as a body in society shows that one implication of this request, a collective grant of privileges, would not embarrass him. As John Pappas commented recently, "In the eighteenth century, Court was some kind of a dinosaur!"⁵⁷ This study of his correspondence absolutely confirms his appreciation.

This unique mentality can begin to explain the permanent misunderstanding that can be observed between Court and the members of his network. Yet, by giving in to their advice, he probably adopted a wise attitude. Indeed, his correspondents' political thought was much closer to the feelings of the enlightened French authorities. Turgot's *Conciliateur*, for instance, later pleaded in favor of the withdrawal of civil authority from religious matters. Concerning the difficult question of the weddings and baptisms of Protestants, he wrote: "I wish that neither the sacrament of baptism nor that of marriage would determine the status of citizens".⁵⁸ This proposal for a civil status independent from religious practices brings to mind Basnage's conception of the good sovereign, or Serces's hopes for the abrogation of penal laws. Indeed, it is these implications of modern theories of natural law, applied to the question of the Protestants' civil status, rather than an overt confrontation between the Churches and the monarchy, that progressively introduced the idea of civil toleration into the French kingdom.

⁵⁶ *Le patriote françois et impartial ou réponse à la lettre de M. l'évêque d'Agen à M. le contrôleur général contre la tolérance des huguenots*, 1751, nouvelle édition, à Villefranche, 1753.

⁵⁷ At the oral defense of Otto Selles's thesis about the *Patriote français et impartial*.

⁵⁸ "Je voudrois que ce ne fût ni le sacrement du Baptême, ni celui du Mariage qui fixât l'état des citoyens". *Le Conciliateur, ou lettres d'un ecclésiastique à un magistrat sur les affaires presentes*, 1788. Lettre première, 1 mai 1754.

CHAPTER SIX

JAUCOURT, REPUBLICANISM, AND TOLERATION

Simone Zurbuchen, Zürich

One of the most effective arguments used to justify the oppression of Calvinism in France claimed an inherent relation between Protestantism and republicanism. The strength of the argument stemmed from the fact that it could be revived in different historical contexts. In the eighteenth century it took on a new dimension, as the accusation of political disloyalty no longer concentrated on a religious minority, but was aimed at the co-operation between religious and political opposition of different origins.

When the Edict of Toleration of 1787 was in preparation, its Catholic opponents suggested that the Protestants were in league with the Jansenists and the *philosophes* in their endeavor to destroy the Monarchy and the Catholic Church.¹ This allegation of collaboration between Protestants and *philosophes* was, however, initially contradicted by the fact that most philosophers in France had welcomed the Revocation of the Edict of Nantes (1685)² and that prominent representatives of the *Lumières* such as Voltaire and Montesquieu had even repeated the accusation that Protestantism tended to political rebellion.³ It was only with the Calas Affair that a concerted public campaign in favor of a new Edict of Toleration began. Its aim was, however, neither to dispossess the Catholic Church nor to overthrow the Monarchy, but to grant civil status to the Huguenots, i.e. to concede them the authentication of births, marriages, and deaths. These moderate demands fit in well with the fact that the Calvinists who reorganized their Church in France officially remained loyal to the Monarchy.⁴ According to Poland and Adams, who discuss the situation on the eve of the Revolution, the Huguenots were as royalist as the Catholics.

¹ See B. C. Poland, *French Protestantism and the French Revolution*, pp. 141f. Similar accusations were reiterated after the French Revolution.

² See G. Adams, *The Huguenots and French Opinion 1685-1787. The Enlightenment Debate on Toleration*, chap. II, pp. 19-33.

³ See Montesquieu, *De l'esprit des lois*, book XXIV, chap. 5. For Voltaire, see G. Adams: "Monarchistes ou Républicains?", p. 83.

⁴ See Adams, "Monarchistes ou Républicains?", pp. 83-95.

A general discussion of the alleged collaboration between Protestants and *philosophes* is beyond the scope of this article. Within the perspective of this question I will, however, attempt to evaluate the political ideas of the Chevalier Louis de Jaucourt, one of the rarely examined contributors to the *Encyclopédie*. I will argue that he conveyed to the French *Lumières* a significant part of the political theory of the Huguenot diaspora, as it was formulated by Jean Barbeyrac and further developed by Jean-Jacques Burlamaqui. This school of political thought can be characterized by its anti-absolutist tendency, which was motivated by the Huguenots' interest in developing a coherent concept of religious toleration. As they relied both on secular and religious arguments to advocate toleration, it seems accurate to see in their political theory an example of the alleged relation between religious and political principles.

1. Jaucourt's contribution to the *Encyclopédie* and the inheritance of the Refuge

The role which the Chevalier Louis de Jaucourt played in the French Enlightenment has for a long time been much underestimated. Although in vol. VIII of the *Encyclopédie* he is mentioned by Diderot as one of the most indefatigable contributors,⁵ his name was very soon forgotten. When the *Encyclopédie* was finished in 1765 Jaucourt retired from the literary scene and at his death in 1780 no eulogy was published. It seems that Jaucourt's self-sacrificing engagement on behalf of the *Encyclopédie* gave his contemporaries as much reason to scorn him as to hold him in esteem. Diderot, in a letter to Sophie Volland, describes him as a person who never feels bored to "grind out" his articles and whose "physiognomy falls" when the end of the work is announced to him.⁶ Grimm, in the *Correspondance littéraire*, ironically suggests that with the money he earned thanks to Jaucourt's work the publisher Le Breton bought the house which the former had sold in order to pay his secretaries.⁷ The picture drawn in the eighteenth century of Jaucourt as a colourless compiler seems to explain why Jaucourt was of little interest to those who studied the contributors to the *Encyclopédie* up to the twentieth century.

⁵ *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, ed. by Diderot and d'Alembert, vol. VIII, "Avertissement", p. i.

⁶ Quoted by J. Lough, *The Encyclopédie*, p. 45.

⁷ Quoted by Lough, *The Encyclopédie*, p. 46.

It was only about 1960 that John Lough and Richard Schwab presented serious investigations of Jaucourt's biography and of the extent of his contribution to the *Encyclopédie*. In 1979 Madeleine F. Morris published the first monograph, providing an account of the subjects he treated and characterizing his position in the different fields of knowledge.⁸ Jaucourt's contribution began with eight articles for volume II and increased to 2494 for volume XVI. In total he wrote 17395 articles (28%), whereas Diderot contributed 5842 (10%). Not only did these investigations question the legend of the compiler without character, they also opened the field for a positive account of Jaucourt's contribution to the French Enlightenment, which is marked by his close intellectual relations to the Huguenot diaspora and the Protestant world in general. These relations are best shown by examining, on the one hand, his biography and, on the other hand, the sources he used when writing his articles for the *Encyclopédie*.

Schwab described Jaucourt's life as a kind of "second emigration",⁹ following the paths of the Calvinists who left France immediately after the Revocation. Louis de Jaucourt (1704-1780) was the son of an aristocratic Protestant family which, after the Revocation, decided to stay in Paris. Although they acceded to the required external adaptations, they did not renounce their Protestant faith. This is evidenced by the fact that Louis was sent to relatives in Geneva to study at the university under the name of Louis de Neufville. After staying at Cambridge University for some years, where he never felt at home, he studied medicine at Leiden under Boerhaave. It was mainly in Holland that Jaucourt became familiar with the intellectual culture of the *Refuge* and where he began his career as a writer. Although he received the degree of doctor of medicine by 1730, he never practiced. In the years up to 1733 he continued to attend Boerhaave's courses and wrote, at the same time, an essay on the life and work of Leibniz, which was published as an introduction to the French translation of the *Theodicee*, appearing in 1734 in Amsterdam.

On the occasion of his father's death in 1736 Jaucourt returned to Paris, where he established contact with important aristocrats related to his family, among them Malesherbes, who, as *directeur de la librairie*, was later to play an important role in protecting the *Encyclopédie*. Also from

⁸ For further bibliographical information, see M. F. Morris, *Le Chevalier de Jaucourt. Un ami de la terre (1704-1780)*, pp. 1-7.

⁹ R. N. Schwab, "Un Encyclopédiste Huguenot: Le chevalier de Jaucourt", p. 46. For information about Jaucourt's biography, see also Morris, *Le Chevalier de Jaucourt*, pp. 1-5.

this time dates his interest in the works of French contemporaries such as Mme du Châtelet, Voltaire, Montesquieu, and Rousseau. For a number of years Jaucourt was busy writing a six-volume dictionary of medicine which was, however, lost in a shipwreck on the way to the editor in Amsterdam. This loss marked the beginning of his work on the *Encyclopédie* as well as the abandonment of all other scientific or literary projects.

Jaucourt's intimate knowledge of the intellectual world of the *Refuge* becomes apparent when one examines his use of source materials. Morris has shown that Jaucourt's sources "introduce to the pages of the *Encyclopédie* the names of prohibited writers, of Huguenots of the diaspora in exile in England, Holland, Germany or Switzerland, together with the names of foreigners most often selected among scholars of the European Protestant tradition".¹⁰ More specifically, Morris demonstrates that at least half of his sources, apart from dictionaries and classical literature, are of foreign origin. Furthermore, most of the works which Jaucourt made use of had appeared after the Revocation of the Edict of Nantes.

2. Jaucourt's relation to the political theory of the Huguenot diaspora

In view of Morris's analysis of the sources used by Jaucourt it is surprising that she judges his political theory only as far as it relies on Montesquieu's philosophy and as it anticipates the later development of political ideas in France. Morris characterizes Jaucourt as a "Girondin avant l'heure", because his position was "liberal, open to reforms, opposed to injustice and to the privileges guaranteed by birth and hereditary wealth".¹¹ In opposition to Morris, I will argue that it is worth analyzing Jaucourt's political ideas with regard to the Protestant sources he used, especially the political theory of the Huguenots of the diaspora. Much of this school of thought had its roots in the theory of Natural Law, whose teaching was, in the eighteenth century, still prohibited in France.¹² It can be characterized as a continuation of Samuel Pufendorf's theory of Natural Law, which was, however, modified in some important points. The modifications are mainly due to the attempt of the Huguenots to redefine their political

¹⁰ Morris, *Le Chevalier de Jaucourt*, p. 42.

¹¹ Morris, *Le Chevalier de Jaucourt*, p. 81.

¹² See R. Derathé, *J.-J. Rousseau et la science politique de son temps*, p. 30.

identity vis-à-vis the intolerant policy of the absolute monarchy.¹³ Looking for a new basis to argue for toleration, they relied, on the one hand, on Locke's theory of natural rights to criticize Pufendorf's concept of the absolute sovereignty of the state, and they inherited, on the other hand, a theory of conscience which has its roots in the religious tradition of the Huguenots.¹⁴ The latter was stressed by Jean Barbeyrac, who developed the role of conscience in his account of moral obligation in opposition to Pufendorf. As he acknowledges an "indispensable necessity that obliges every man to follow the light of his own Conscience", he concludes that people have a "natural" and "unquestionable" right to defend their religion and thus to resist the sovereign power of the state.¹⁵ This combination of a theory of conscience and a theory of natural rights was later developed by Jean-Jacques Burlamaqui in a more systematic way. In my analysis of some of Jaucourt's articles I will show how he introduced important arguments of Barbeyrac, Burlamaqui, and Locke into the pages of the *Encyclopédie*. First I will concentrate on Jaucourt's concept of toleration, which is largely indebted to Barbeyrac, and then I will show how Jaucourt was aware of the importance of the concept of toleration for a theory of the state.

The article "Conscience" (*Droit. nat. Mor.*)¹⁶ is divided into two parts. The first, after a short introduction, follows Barbeyrac's supplement to Pufendorf's text in *Les devoirs de l'homme et du citoyen*.¹⁷ Here Jaucourt quotes Barbeyrac's definition of conscience as "a judgement which everybody passes on his own actions, compared with the ideas he has of a certain rule named law" (p. 902b). The second reproduces, under the subtitle *Liberté de conscience*, Barbeyrac's comments on the question of an erring conscience;¹⁸ this is especially important because Pufendorf's

¹³ See S. Zurbuchen, *Naturrecht und natürliche Religion. Zur Geschichte des Toleranzbegriffs von S. Pufendorf bis J.-J. Rousseau*, pp. 63-152.

¹⁴ For an examination of this tradition, see T. Hochstrasser, "Conscience and Reason: The Natural Law Theory of Jean Barbeyrac", which aided me in my analysis of Jaucourt's political theory.

¹⁵ Samuel Pufendorf, *Le Droit de la Nature et des Gens* (hereafter DNG) (Amsterdam, 1706) book VII, chap. 8, section V, note 7. English quotation in Hochstrasser, "Conscience and Reason", p. 293.

¹⁶ *Encyclopédie*, vol. III, pp. 902a-904a.

¹⁷ Samuel Pufendorf, *Les devoirs de l'homme et du citoyen... Traduits du Latin par Jean Barbeyrac* (hereafter DHC) (London, 1741), book I, chap. 1, section V, notes 1-3.

¹⁸ DHC, book I, chap. 1, section VII, note 1.

translator defends the view that even a person who errs is obliged to follow his conscience. Unlike Jaucourt's contemporaries, one does not get the impression that the author presents a thoughtless compilation. He sometimes abridges the text and sometimes includes passages from Pufendorf to make Barbeyrac's footnotes comprehensible. And, more important, he summarizes Barbeyrac's criticism of persecution, which he otherwise omits, at the end of his article on "Conscience" in an innovative paragraph which seems to have been written by Jaucourt himself. Here he argues that "to act according to one's conscience" is a "right" which is based on men's nature. And as a right necessarily includes reciprocity, the justification of persecution on grounds of a right to follow one's conscience would "destroy the basis of this right" (p. 903b). The article finishes with a passage in which Jaucourt clearly marks the distance between himself and Barbeyrac, when he adds that he does not wish to say more about an erring conscience because these debates belong to the previous century and should not be rehashed "in the times of an enlightened morality".¹⁹

Jaucourt's article on "Tolérance" (*Religion, Morale, Politique*), which was not published in the *Encyclopédie*,²⁰ is marked by the same care to summarize Barbeyrac's theory. It is, however, supplemented by remarks referring to Montesquieu, who treated the question in a new perspective, unfamiliar to Barbeyrac. Jaucourt opens the article by a reproduction of chapter XII (sections 9-43) of Barbeyrac's *Traité de la Morale des Pères de l'Église* (Amsterdam, 1728), which the latter had written in defense of a passage in his Preface to the *Droit de la nature et des gens*. The reproduction is again characterized by some stylistic corrections, some omissions, and some of Jaucourt's own remarks. The most interesting fact about Barbeyrac's treatise is its reliance on John Locke's *Letter Concerning Toleration* and his *Second Treatise*, which Barbeyrac had also used for some of his critical footnotes to Pufendorf's *Droit de la nature et des gens*. In order to understand Jaucourt's perspective we will present the different

¹⁹ Jaucourt invokes the idea of progress also in other articles such as "Europe" (*Geog.*), vol. VI, pp. 211b-212a.

²⁰ The editor Le Breton judged it to be a feeble repetition of the article of Jean-Edmé Romilly, which was published instead. Jaucourt's article is reprinted in: D. H. Gordon and N. L. Torrey: *The Censoring of Diderot's Encyclopédie and the Re-Established Text*, pp. 95-107. For an analysis of Romilly's article, see G. Schlüter, *Die französische Toleranzdebatte im Zeitalter der Aufklärung*, pp. 110-125. Romilly refers to Pierre Bayle's *Commentaire philosophique*, John Locke's *Letter Concerning Toleration*, and Rousseau's *Contrat social*.

arguments proposed in favor of toleration. Jaucourt (following Barbeyrac) first reproduces Locke's "negative" argument stating that what is intended by persecution is not attainable by the use of force, namely "to change the bent and the disposition of one's spirit or of one's heart".²¹ Second, he argues that there exists no "visible judge" to decide the truth of a religion, which is usually invoked to justify persecution. From this he concludes that "everybody must be granted the freedom to believe and to openly declare what they believe to be true in religious matters".²² Unlike the article "Conscience", mentioned above, which analyzes liberty of conscience as a "right" belonging to men's nature, it is here attributed to the domain of God: "Nobody can infringe on this liberty without injuring the rights of God, who is alone master of our consciences".²³ Basing "freedom of belief" on a divine right opens the field for a new argument, which is developed in the context of a contractarian theory of political obligation. Like Locke and Barbeyrac before him, Jaucourt makes a basic distinction between the divergent ends of civil and ecclesiastical society. Since civil society is not established on behalf of religion, the latter does not belong to the realm of government. So even if men had subjected their judgements and their wills in religious matters to the sovereign, he would not have received a right to control them. To support this assertion Jaucourt reproduces a passage, which is highly characteristic of Barbeyrac's use of Locke's political theory, to develop his own concept of toleration: "A man can never leave to another man an arbitrary power over his life, of which he is not his own master. He is even less master of his conscience, which is under God's control to such a degree that other men, whatever they wish and do, would not be able to control it".²⁴ In a footnote to the *Droit de la nature et des gens* (book VII, chap.8, section 6, n.2), where Barbeyrac expresses the idea of the first sentence of the above quotation in similar words, he refers to the *Second Treatise*, chap. 4, where Locke says that a man cannot make himself the slave of someone else, because he is not the

²¹ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, p. 96. See Barbeyrac, *Traité*, chap. XII, section 29, pp. 179f., and John Locke, *A Letter Concerning Toleration*, ed. Mario Montuori, pp. 18-19.

²² Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, p. 97. See Barbeyrac, *Traité*, chap. XII, section 20, p. 177.

²³ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, pp. 97f. See Barbeyrac, *Traité*, chap. XII, section 20, p. 177.

²⁴ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, p. 100. See Barbeyrac, *Traité*, chap. XII, section 29, pp. 179f.

master of his own life.²⁵ Whereas Locke argues that a man would forfeit his preservation and his life by submission to any arbitrary power, Barbeyrac uses his argument, in the *Traité de la Morale des Pères de l'Église*, to demonstrate the impossibility of submitting one's conscience to the power of another man.

In the next section the common objection that religious diversity is detrimental to a society is rejected on the basis of experience. In this context Jaucourt accepts Barbeyrac's conviction that toleration might be the adequate means to lead Christian sects to unification. That conviction is based on the idea of the progress of (religious) truth: "When truth will once be freed and when everybody will be free to examine it without constraint, you will see that it will quickly progress".²⁶ The following paragraph seems to have been written by Jaucourt, because it deals with a question discussed by Montesquieu in *Lettres persanes*,²⁷ to which Jaucourt refers at the end of his article. He grants the sovereign the right not to admit foreigners of different religions and to declare one religion as the "dominant" one. But he denies him the right to constrain consciences and to refuse his subjects "rights which they have as men and as citizens".²⁸ This remark is probably motivated by the situation of Calvinism in France.

Ecclesiastical toleration is for Jaucourt no less important than civil toleration. Following Barbeyrac he criticizes all sects which support ecclesiastical intolerance and gives a critical account of Protestantism, commenting that in his time everybody condemns the intolerant ideas of Beza and Calvin.²⁹ If this comment is remarkable for Barbeyrac, it is even more significant for Jaucourt, who explains it in a series of articles on religious

²⁵ See John Locke, *Two Treatises of Government*, The Second Treatise, chap. 4, section 23, p. 302.

²⁶ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, p. 102: "Que la vérité ait une fois ses coudées franches, qu'il soit libre à chacun de l'examiner sans contrainte, et vous verrez qu'elle fera des progrès rapides". See Barbeyrac, *Traité*, Chap. XII, section 36, p. 183, and Locke, *A Letter Concerning Toleration*, p. 79: "The business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth, and of every particular man's goods and person. And so it ought to be. For the truth certainly would do well enough if she were once left to shift for herself".

²⁷ Montesquieu, *Lettres Persanes* in *Oeuvres*, vol. I, letter 85, pp. 172-174.

²⁸ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, p. 102.

²⁹ Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, pp. 103f. See Barbeyrac, *Traité*, chap. XII, section 42, p. 186.

subjects and on geography.³⁰ In "Sectes du Christianisme",³¹ "Superstition" (vol. XV, pp. 669b-670a), and "Zèle" (vol. XVII, pp. 698a-699a) he reduces true Christianity to the belief in Jesus Christ's moral precepts. When he says, in "Sectes du Christianisme", that all Christian confessions, even Protestantism, are confessions of sects, he assumes that Christianity consists in nothing more than those moral precepts all humankind agree on and that the interests of organized religion should be subordinated to the interests of humanity.

At the end of the article "Tolérance", Jaucourt argues (agreeing with Montesquieu) that a multitude of cults and newly admitted sects is of special utility to the state, because religious minorities are forced, in order to distinguish themselves vis-à-vis the dominant religion, to acquire wealth by their own labour, and because rivalry motivates them to avoid being exposed to the contempt of others.

These two articles mark Jaucourt's indebtedness to the religious tradition of the Huguenots. He based moral obligation on God's right over man's conscience and he reproduced the doctrine of an erring conscience as dependent on an account of conscience as the proper domain of moral judgements. But the articles also show that he criticized elements of the Huguenot tradition as outdated and that he looked to the writings of Locke and Montesquieu for new arguments in favor of toleration.

Jaucourt was not only indebted to Barbeyrac's concept of toleration, he was also aware of its consequences for a theory of the state. This can again be demonstrated by analyzing some exemplary articles, for which Jaucourt used texts of Barbeyrac, Burlamaqui, and Locke as sources. The "liberal" dimension³² which marks the political theory of Pufendorf's French interpreters will be examined with regard to two problems: the theory of sovereignty and the right of resistance. To understand the innovations in Jaucourt's theory of sovereignty one must compare it to Pufendorf's theory. According to Pufendorf, the origin of sovereignty lies in the second of the two agreements on which the state is built.³³ Although sovereignty

³⁰ See Zurbuchen, *Naturrecht und natürliche Religion*, pp. 146-148.

³¹ This article was suppressed by Le Breton. It is reprinted in Gordon and Torrey, *The Censoring of Diderot's Encyclopédie*, pp. 81-83.

³² See Derathé, *J.-J. Rousseau et la science politique*, pp. 91f.

³³ According to Pufendorf, the state is based on two agreements (conventions) and one decree. The first agreement consists of the union of the particulars with a unique body. The decree (*ordonnance*) which follows establishes the form of government. The second agreement constitutes the obligation of the sovereign to

lies originally in the hands of the people, it is then transferred to one (or several) person(s). Pufendorf explains this transfer by pointing to the nature of the second agreement. Whereas the subjects are bound by a "perfect" obligation to obey the ruler, the sovereign is only bound by an "imperfect" obligation, because he cannot be forced to fulfill his duties.³⁴ This means that the sovereign is neither accountable to any person on earth nor bound by any human law (DNG, book VII, chap. 6, sections II-III). Pufendorf thus denies the people a right of resistance, even if they are oppressed by a tyrant (DNG, book VII, chap. 8, section VI). He not only rejects the ideas of sovereignty of the people and of a right of resistance, but also of a separation of powers, because the division of sovereignty would lead to an "irregular" state, unable to guarantee security and the common good of the state (DNG, book VII, chap. 4, sections XI-XII).

Despite Pufendorf's theory of sovereignty, which served him as a basis for defending "absolute" monarchy as the best form of government, it was not difficult for his French-language followers to transform his theory of the state. Following Barbeyrac's critical footnotes, Burlamaqui developed, on the basis of Pufendorf's contractarian theory of political obligation, an innovative theory of sovereignty which lead him to defend a right of resistance, and to argue for a separation of supreme powers. With regard to the latter Burlamaqui refers to the seven parts of sovereignty enumerated by Pufendorf (DHC, book II, chap. 7, sections I-VIII). As the first three parts he lists legislative power, coactive power, and judiciary power. The second of these, introduced by Barbeyrac into the French terminology, is not, as might be expected, concerned with "the carrying into effect of the law as a whole",³⁵ but is defined as the "power of punishing". It is obviously based on the distinction between two ways of interpreting punishment. Whereas the third part of sovereignty is concerned with "resolving disputes between citizens", the second part involves the infliction of punishments. Burlamaqui developed, on the basis of this definition, a theory of the separation of powers, distinct, in its initial setting, from that of

guarantee security and the common good and the obligation of the others to submit to the will of the elected ruler(s). See DHC, book II, chap. 6, sections VIII-IX and DNG, book VII, chap. 6, sections IV-VI.

³⁴ DNG, book VII, Chap. 3, section 1. For the difference between "perfect" and "imperfect" obligation, see DNG, book II, chap. 4, section 9.

³⁵ M. J. C. Vile, *Constitutionalism and the Separation of Powers*, p. 56.

Montesquieu.³⁶

It is Burlamaqui's theory of the state to which Jaucourt refers in the article "Souveraineté" (*Gouvernem.*) and in the more innovative article "Gouvernement" (*Droit nat. & polit.*). In opposition to Morris, who sees it as "totally imbued with the thought of the *L'Esprit des lois*" (p. 30), I would like to stress the influence of Locke's *Second Treatise of Government* and of Burlamaqui's *Principes du droit politique*.³⁷ The former is quoted at the beginning of the article, when Jaucourt deals with the origin of government, which lies in "a voluntary union of particulars who made the free choice of one kind of government"³⁸ and again at the end, where the reasons for the dissolution of governments are discussed.³⁹ The middle part of the article reproduces Burlamaqui's distinction between different forms of government and, more importantly, his criticism of Pufendorf for having judged mixed governments as irregular. Jaucourt (and Burlamaqui) advocate mixed government, which is characterized by a separation of powers (789a), as the best form of government, because it represents "a temper apt to repress [in the sense of keeping order]... without degenerating to oppression".⁴⁰ It is only in the short paragraphs dealing with the English constitution that Jaucourt refers to the *De l'esprit des lois*.⁴¹

The article "Gouvernement" exemplifies how Jaucourt proceeded in the composition of his articles. Depending on the entry, he refers to different schools of political thought, without being concerned with the contra-

³⁶ Jean-Jacques Burlamaqui, *Principes du droit politique* (Amsterdam, 1751), part I, chap. VII, sections XLVIII-L; chap. VIII, sections III-V. Unlike Burlamaqui, Montesquieu lists as the first three powers "legislative", "executive", and "judiciary" power. In the "final sense" he defines them as "that of enacting laws", "that of executing public resolutions", and "that of trying the causes of individuals". See Vile, *Constitutionalism and the Separation of Powers*, p. 87; *De l'esprit des lois*, book XI, chap. 6.

³⁷ See Lough, *L'Encyclopédie*, pp. 281-284, who described "Gouvernement" as the "most notable political article" contributed by Jaucourt to the first seven volumes of the *Encyclopédie*. For the attacks on this article, see pp. 284f.

³⁸ Vol. VII, p. 788b. See Locke, *Second Treatise*, chap. 8, sections 95, 102; chap. 16, section 175.

³⁹ See Locke, *Second Treatise*, chap. 19, sections 211-212, 219, 221.

⁴⁰ Vol. VII, p. 790a. See Burlamaqui, *Principes*, part II, chap. I, sections IX, XXXII; chap. II, sections VIII-IX.

⁴¹ The idea that "every legitimate sovereign power originates in the free consent of peoples" (vol. VII, p. 789a) is repeated in the article "État de nature", for which Jaucourt again used Locke's *Second Treatise*, chap. 2.

dictions between them. In articles such as "Gouvernement" or "Tyrannie" (*Gouvern. politiq.*) he takes up the classification of governments of the Natural Law tradition, identifying Republic, Aristocracy, and Monarchy as the primary forms of government. However, in other articles such as "République" (*Gouvern. polit.*) or "Monarchie" (*Gouvern. polit.*) he reproduces the classification of governments as it is explained in the *L'Esprit des lois*. Unlike the Natural Law tradition, Montesquieu deduces the basic classification not exclusively with regard to the respective holder of sovereignty (the one, the few, the many), but also with regard to its ruling in accordance with certain fixed and proclaimed laws.⁴² His reconsideration of the different forms of government results primarily in his identification of despotism as an independent form of government. In the Natural Law tradition despotism was, under the name of tyranny, classified as the degenerated form of monarchy or of all forms of government.⁴³

Another example demonstrating how Jaucourt combined elements of Pufendorf's and Locke's political theory, like Barbeyrac before him, is provided by the articles dealing with the question of the right of resistance. In "Défense de soi-même" (*Religion, Morale, Droit nat. & civ.*), where Jaucourt reproduces the paragraphs of the *Droit de la nature et des gens* discussing the right to self-defence in the state of nature (book II, chap. 5), he refers the reader to Locke, who, "in his work on civil government establishes the justification and the scope of the right of legitimate self-defense" (vol. IV, p. 736b). Both Barbeyrac and Locke advocated, in opposition to Pufendorf, a right to self-defense not only in the state of nature, but also in civil society "if an unjust and superior aggressor wants to deprive us of our lives by violent means".⁴⁴ In the article "Tyrannie" (vol. XVI, pp. 785a-786b), Jaucourt is more explicit in his defense of a right of resistance. In the first part he refers to Locke's definition of tyranny,⁴⁵ and in the second part he reproduces Burlamaqui's main arguments defending a right of resistance.⁴⁶ These paragraphs are of special interest because they provide two examples of how elements of Barbeyrac's comments on the *Droit de la nature et des gens* were transmitted, by way

⁴² See Montesquieu, *De l'esprit des lois*, book II, chap. 1, and Jaucourt's definition of monarchy in the article "Monarchie".

⁴³ See DHC, book II, chap. 8, section XI, and Locke, *Second Treatise*, chap. 18, sections 200-202.

⁴⁴ Barbeyrac, DNG, book II, chap. 5, section V, note 1.

⁴⁵ Vol. XVI, p. 785a. See Locke, *Second Treatise*, chap. 18, section 199.

⁴⁶ See Burlamaqui, *Principes*, part II, chap. VI, sections XXI-XXIX.

of Burlamaqui, to the *Encyclopédie*. The discussion of a right of resistance is opened by Jaucourt with a rhetorical question which Burlamaqui had partly copied from Barbeyrac: "One asks if the people, i.e. not the rabble, but the sound portion of the subjects of all orders of a state, may defy the authority of a tyrant who mistreats them, exhausts them with excessive taxes, neglects the interests of the government, and inverts the fundamental laws?".⁴⁷ The claim that even a people submitted to an "absolute sovereignty" have a right to resist is defended by Jaucourt on the basis of an argument which Barbeyrac had formulated referring to Locke, and which Burlamaqui had copied from Barbeyrac. Complete submission to sovereignty is impossible, according to Jaucourt, because "this would involve selling out one's life, the lives of one's children, one's religion, with one word all advantages; this is certainly not in man's power".⁴⁸

Although these representatives of French Natural Law theory did not abolish the term "absolute sovereignty", they undermined it by introducing innovative elements into their political theory, elements which are incompatible with Pufendorf's concept of absolute sovereignty. Although Jaucourt's political ideas are at least as incoherent as those of Barbeyrac, because like him he never elaborated a systematic political theory, there can be no doubt that he used the arguments of his predecessors in the *Refuge* in the same sense as they did. Because they referred to Locke's political theory, advocating "freedom of belief" as an individual right, defending the sovereignty of the people and the right of resistance, it seems accurate to describe their theory (with Derathé) as a "liberal" political theory.

⁴⁷ Vol. XVI, p. 785b: "On demande si le peuple, c'est-à-dire non pas la canaille, mais la plus saine partie des sujets de tous les ordres d'un état, peut se soustraire à l'autorité d'un tyran qui maltraiterait ses sujets, les épuiserait par les impôts excessifs, négligerait les intérêts du gouvernement, et renverserait les lois fondamentales". See Barbeyrac, DNG, book VII, chap. 8, section VI, note 1, and Burlamaqui, *Principes*, part II, chap. VI, section XXIX.

⁴⁸ Vol. XVI, p.786a: "Ce serait vendre sa propre vie, celle de ses enfans, sa religion; en un mot tous ses avantages, ce qui certainement n'est pas au pouvoir de l'homme". See Burlamaqui, *Principes*, part I, chap. VII, section XXIII; Barbeyrac, DNG, book VII, chap. 8, section VI, note 2; Locke, *Second Treatise*, chap. IV, section 23.

3. Conclusion

However unsystematic and eclectic Jaucourt's political theory may be, his significance lies in the fact that he transmitted to the *Encyclopédie* elements of a "liberal" political theory, which was developed well before a theory of natural rights was adopted in France. Whereas in Great Britain debates about toleration were carried on in terms of natural rights already early in the century,⁴⁹ discussions of this topic in France, which arose much later, were largely dominated by two other types of arguments, which are best exemplified by the political philosophy of Montesquieu and Voltaire. As we have already seen in Jaucourt's use of passages from the *Lettres persanes*, Montesquieu's outlook on the problem of toleration was that of a social scientist who was interested in the influence of religions or religious denominations on society. It is thus the perspective of social utility which directs his arguments favoring toleration. Against popular prejudices he advocates toleration of Protestants and of Jews by pointing to their possible contribution to economic wealth and to the increase of population.⁵⁰ Another type of argument was developed by Voltaire. In his *Traité sur la tolérance* he criticizes the execution of the innocent Calvinist Jean Calas as "barbaric", conflicting with natural law.⁵¹ Since he perceives the Protestants as exemplary victims of the collaboration between Catholic fanaticism and royal absolutism, his analysis aims less at defending the rights of a religious minority than at denouncing fanaticism and intolerance. Voltaire's support of persecuted Calvinists owes much to his intention to intensify the campaign against all forms of institutionalized Christianity, which he had attacked in 1759 with his battle cry "écrasez l'infâme".⁵² It was only after the American Revolution, when different drafts of assertions of human rights were received and discussed in France, that toleration was advocated in the name of the rights of an individual to religious liberty.⁵³

Despite the originality of the French Protestant Natural Law tradition,

⁴⁹ See R. B. Barlow, *Citizenship and Conscience*, pp. 44-52.

⁵⁰ See Montesquieu, *Lettres persanes*, letter 85, and *De l'esprit des lois*, book XXIV, chap. 1; book XXV, chap. 9.

⁵¹ Voltaire, *Traité sur la tolérance à l'occasion de la mort de Jean Calas*, in *Oeuvres*, ed. Auguis, vol. 38, chap. VI.

⁵² By the "infâme" Voltaire envisaged all forms of institutionalized Christianity. See R. Pomeau, *La Religion de Voltaire*, p. 316.

⁵³ See Adams, *The Huguenots and French Opinion*, pp. 197f., 247ff.

which Jaucourt conveyed to the *Encyclopédie*, one should be aware of the fact that its influence on political debates within France was limited and did not influence the political theory of the Revolution in any direct way. This is supported by the further fact that Jaucourt sank into nearly total oblivion among his contemporaries. With regard to the history of ideas it is, however, worth noting that there existed in the French-speaking world an early "Lockean" variation of Natural Law theory. The reception of Locke's theory by the Huguenots of the diaspora was, as has been shown, motivated by their attempt to find a new solution to the problem of toleration. Because the concept of toleration as it was developed by Barbeyrac inherited arguments from the Natural Law tradition as well as from the religious tradition of the Huguenots, it represents a convergence of religious and political principles of which the Protestants in France were indeed so often suspected. It is a historical paradox that the last major attempt of a European power to realize political unity by means of intolerant religious unity prepared the field for a new kind of political theory which anticipated important elements of a constitutional theory of the modern state.

CHAPTER SEVEN

HUGUENOT CRITICAL THEORY AND "IUS MAIESTATIS" IN HUBER AND ALTHUSIUS

*With two appendices, the Latin and English versions of the Preface to the 1610 edition of Johannes Althusius's *Politica Methodice Digesta Atque Exemplis Sacris et Profanis Illustrata* (pp. 193-201 below).*

Fabrizio Lomonaco, Naples

The Huguenot refugees in the Netherlands after the Revocation of the Edict of Nantes (1685) exercised a strong intellectual as well as emotional influence, contributing to the contemporary political debate over the legitimacy of the modern absolutist state. In common with contemporary Dutch thinkers writing in Latin, they reopened the question of the divine right of kings and reformulated the very concept of the *summa potestas* [supreme power]. They rethought classical contract theory and the theory of the right of resistance within suitable political limits, bringing them up to date by placing them in the historical-political context of the religious wars.

Not much has been written about the intellectual liaisons between the Dutch and Latin university culture in the Netherlands and the francophone *Refuge*. We know that they existed because, as previous chapters in this volume have shown, Huguenots like Barbeyrac (who held a Dutch university post) were responsible for translating Latin works of Grotius and Pufendorf into French. And we know, as we shall see below, that francophone periodical editors like Le Clerc reviewed Dutch and Latin works. But we do not know all that we should about the mutual influences back and forth between francophone writers and Dutch and Latin university culture.¹ This essay juxtaposes the critical theories of Bayle and Le Clerc with the political writings of Ulrik Huber, professor of *ius publicum* [public law] at Franeker after 1670. It is intended to provide a foundation for further explorations of the mutual influences between these two very different intellectual cultures in the Netherlands.

¹ An indispensable guide to that culture is G.O. van de Klashorst, H.W. Blom, and E.O.G. Haitisma Mulier, eds., *Bibliography of Dutch Seventeenth Century Political Thought*.

1. *Bayle and Le Clerc: the critical-philological premises of Huber's reflections on ius maiestatis*

A philologist and scholar in many fields, Ulrik Huber demonstrated sensitivity both as jurist and as historian to problems in the general theory of public law.² His interests in the history of law and of religion included a significant antidogmatic dimension. He rejected the view of "reason" as necessity, as a reality outside of time, over and above human history, thus colliding with the Cartesian dogma which dominated the philosophical and, above all, theological culture in Franeker by the late seventeenth century.

In 1687, speaking of the relation between reason and Scripture, Huber rebuked his colleagues van der Waeyen and Röll for applying the Cartesian method to theology, arriving at the conclusion that

...Cartesium laudatis magistrum. Quis hanc visionis mentalis fiduciam ad sacras literas fideique mysteria transferre vos docuit? Illene, qui hoc unice cavit, ne non satis magnum discrimen inter veritates acquisitas et revelatas statueretur; neve dubitationum visionumque suarum novitas et invidia rebus sacris applicata intestabilem ac intolerandum Christianis omnibus philosophiam suam redderet?³

When it is utilized for reflection on the mysteries of faith and of scripture, reason acts illegitimately. In theological debates and Biblical studies, it imposes the rationalistic criterion of evidence in areas that even Descartes preferred not to confront.

Huber's critical sense helped him develop a more concrete and well-defined form of critical-historical research, breaking away from the

² U. Huber, *Digressiones iustinianee* (1688), second edition (hereafter cited as DIG), pp. 46, 95. The judgment of Jean Le Clerc on Huber's *Dissertationes Theologicae VII* (1688) is revealing: "On s'étonnera peut-être que nous ayons mis cet Ouvrage parmi les Livres en droit; mais c'est qu' encore que M. Huber fasse, par un pur effet de son zèle, l'office de Catéchiste à Franeker, et qu' il ait déjà composé plusieurs Livres sur des matières de Théologie, il avouë néanmoins qu'il n'est pas versé dans cette science: Ab Rev. viris adversantibus nihil aequius accepi, quam quod me Theologiae negant esse peritum; nec enim unquam id prae me tuli" (*Bibliothèque universelle et historique* [hereafter cited as BUH], vol. 9, 1688, p. 556).

Background for the following study can be found in F. Lomonaco, *Lex Regia. Diritto, filologia e fides storica nella cultura politico-filosofica dell'Olanda di fine Seicento* and "Huber interprete di Althusius". The following study has been translated from the Italian by the editor of this volume.

³ U. Huber, *De concursu rationis et Sacrae Scripturae liber ad reverendos viros D.D. Johannem van der Waeyen et Hermannum Alexandrum Röll* (1687).

Cartesian deductive method to regain direct contact with the facts. He developed a different criterion of truth, drawn from an implicit recognition that the more the Cartesian/mathematical method claims to extend to different spheres of investigation, the more it gives rise to a destructive skepticism that concludes from the failure of such investigations to the impossibility of certain and valid knowledge. The following study brings out some of the commonalities between his critical thought and that of Huguenot and francophone writers like Pierre Bayle and Jean Le Clerc. It opens up, but cannot answer in this limited space, questions of direct or indirect mutual influence, and of the dynamics of contemporary but independent intellectual developments.

The well-known texts of Pierre Bayle are obligatory reference points within the panorama of seventeenth century Dutch culture. In his *General Critique of the History of Calvinism* (1682), the philosopher of Rotterdam singled out prejudices and insuperable human ignorance as the principal causes of constant changes in the interpretation of history, in line with the skeptical and libertine traditions. His solution to the problem of truth and of the reliability of evidence was radically negative: "In a word, there is no fraud greater than that which can be exercised about historical monuments".⁴

In Bayle's analysis, to know historically does not mean really to know the facts that have occurred, but only to learn of the contrary opinions that opposing parties have expressed about the same events, as is confirmed by experience of the harangues of lawyers in court. When reflecting on the traditional account of a past whose testimonies are obviously uncertain, the historian must trust his "common sense" and understand that the facts are not neutral, but preselected by each author according to his own interests and prejudices. In each document there is the possibility of falsification for propagandistic/ideological purposes. Further, all objects of inquiry reveal the interests of those who have established and spread them as objects. Convinced of the ability to prove that there is always an implicit or explicit aim in every piece of erudite research, and with a view fixed above all on the controversies between Calvinist and Catholic historians of the period, Bayle underlines the necessity of discovering the "reasons" for returning

⁴ Bayle, *Critique Générale de l'Histoire du Calvinisme* (1682), in *Oeuvres Diverses* [hereafter cited as OD], vol. II, p. 10a: "En un mot il n'y a point de *Filouterie* plus grande, que celle qui se peut exercer sur les monumens Historiques".

to the past. There is a recurring connection between that which historians wish to find and that which they actually find, and Bayle asserts that their "conjectures" and their "errors" adequately reflect the ideological-political choices they make.

Thus, according to Bayle, the best method, the most correct historical guide, consists in a critical analysis in constant pursuit of the reasons for all possible opinions traceable within a tradition. This makes possible a "typology" of false historians, and thus one can distinguish the vehicles by which falsehoods and errors are spread. The "partial" historians, dragged into the "sect" of "historical Pyrrhonism", are in reality historians of little value, Bayle notes. Nevertheless, their large numbers ensure that they challenge the authority of the capable historians, problematically complicating everything. But, advises Bayle, "one can sometimes obtain certainty in history, concerning particular details".⁵ One can be persuaded of a fact, of a project, or of a particular movement, when all "parties" agree on it, when something is admitted even by those for whom it is "infamous", or also when, being "glorious" for one side, it is not contested by the other. To reflect on history means, therefore, to ascertain the possible senses of things, to believe that one can clarify many things by examining the links among many facts, considering the character of the protagonists, sifting all the circumstances, and confronting that which has been said by one side and by the other. It is thus that one can discover many frauds and refute many slanderous reports. "But", he added, "rest assured that the most spirited historian is usually the one to whom the cause seems the best, and who is least inclined to stick to the evidence".⁶

In addition to parallels with Bayle, Huber's work has much in common with Jean Le Clerc's critical theory. Although he worked in very different cultural circumstances, Le Clerc also tried to respond to painful questions about the value of traditions and their moral content. An attentive and acute

⁵ Bayle, OD, vol. II, pp. 11-12: "on peut quelque fois pousser la certitude de l'Histoire jusques à quelque détail".

⁶ Bayle, OD, vol. II, p. 12: "Mais,... soyez assuré que l'Historien qui a le plus d'esprit, est ordinairement celui dont la cause paroît la meilleure, et qu'il est bien malaisé de parvenir jusqu'à l'évidence".

On the complex understanding of "historical Pyrrhonism" in Bayle, see the classic studies of E. Lacoste and H. Robinson, and, more recently, C. Borghero, *La certezza e la storia*, pp. 217ff., L. Bianchi, *Tradizione libertina e critica storica*, pp. 50ff., and S. Zoli, *Europa libertina tra Controriforma e Illuminismo*, pp. 51 ff.

observer, he developed his position out of interchanges and contacts with the Dutch environment during many years in Amsterdam as professor of philosophy at the Remonstrant College under the sponsorship of Philip van Limborch. Later he was professor of Hebrew and of Humanities, as well as of Ecclesiastical History, until the death of van Limborch in 1712. It was the literature of the Arminian writers and of the scholastic disputes (theological and philosophical) that had convinced the young Genevan student of the illegitimate use of metaphysics in the formulation of theological questions.

In letters exchanged with Pierre Allix, Jacques Lenfant, and Isaac Papin in 1683, Le Clerc argued that metaphysical reasoning (specifically when applicable to religion) is self-contradictory even while appearing to be self-evident:

Jugez par là s'il est sûr d'embrasser une opinion par de simples raisons de Métaphysique. Le moins donc de se débarrasser de ces difficultés qui sont tout à fait insurmontables c'est d'abandonner ces idées abstraites qui ne sont bonnes à rien, et de se renfermer dans de certaines bornes qui comprennent toutes nos [connoissances] et utiles et certaines.⁷

In consolidating his rejection of metaphysics, Le Clerc carried out an original critical confrontation with Cartesianism, granting its methodological application but rejecting the presuppositions and the conclusions of metaphysics in the areas of philosophy and theology. In addition, completing his conversion to the Remonstrant doctrine, he read the Arminian theologian Etienne de Courcelles, who in 1650 had published a Latin edition in Amsterdam of Descartes's *Discourse on Method*. But in his confrontation with Cartesianism he placed above all the memory of his lessons in Geneva with his old teacher, Jean-Robert Chouet, whose letters, full of affectionate sympathy and not devoid of criticism of the anti-Cartesian developments of his pupil, kept up his old teaching in spite of distance in time and place.⁸

With fine historical-religious sensitivity, the author of *Ars critica* avoided the Scylla and Charybdis of dogmatic acceptance of all testimony and of a radical Pyrrhonic negation of the reliability of any testimony.

⁷ Le Clerc, *Epistolario*, ed. Sina, p. 276 (letter to I. Papin, December 18, 1684). See M. Iofrida, "Note sul pensiero teologico e filosofico di Jean Leclerc" and M. Sina, "Introduzione" to Le Clerc's *Epistolario*.

⁸ Le Clerc, *Epistolario*, pp. 343-345 (letter from Chouet dated June 16, 1685). On this theme, see F. Lomonaco, "Tra erudizione e critica storica".

Le Clerc theorized about the necessity of restoring the meaning of critical-philological research, an indispensable instrument for arriving at a type of valid "certainty" in the field of contingent human events. His investigations of new "rules" (the criterion of verisimilitude, the use of common sense, and of reason) and empirical tools to ascertain the reliability of factual evidence were designed to win over modern historians from their partiality, conditioned by their prejudices and prisoners of a deep ignorance that they were.

Notwithstanding all this, in the case of Le Clerc (as in the case of Bayle) the exercise of criticism and historical-philological work was not intended to result in estrangement from contemporary philosophical debate. In Le Clerc's discourse, the theoretical contribution offered by Cartesianism is essential, although it is a "weak" Cartesianism, essentially reduced to furnishing methodological indications useful in historical research. Mathematical evidence is not necessarily the only sort of factual evidence. Research which follows a middle road between absolute skepticism and dogmatic-traditional apologetics can lead to a tentative original opening into the world of history which was not available to the understanding of Cartesian philosophy alone.⁹

Le Clerc's new, rigorous critical method was further refined after his decisive contact with John Locke, brought about by van Limborch. In volume VIII of his *Bibliothèque universale et historique* (1688), Le Clerc had published a long Extract (translated by Le Clerc himself) of Locke's *An Essay Concerning Human Understanding*. In a letter of July, 1688, mulling over his compositions on true "criticism", Le Clerc explicitly declared the dependence of the studies that appeared in volume X (1688) of his *Bibliothèque* on the "Regles de critique. Pour l'intelligence des Anciens Auteurs" from the philosophy of language contained in Book III of Locke's *Essay*.¹⁰ In a letter of 14 October 1688, sent to the English

⁹ In addition to the pages of P. Hazard, J. Laporte, A. Momigliano, and E. Sestan on the historical-philosophical disputes between Cartesianism and historians, see also R.A. Watson, *The Downfall of Cartesianism*, G. Lissa, *Fontenelle tra scetticismo e nuova critica*, G. Ricuperati, "Alle origini della storiografia illuministica", and C. Borghero, *La certezza e la storia*.

¹⁰ "Je me persuade que pour être bon critique, il faut avoir considéré les Langues d'une manière bien plus philosophique que lui ne [saurait] faire... Vôte troisième Livre m'a beaucoup confirmé en diverses pensées que j'avois eues touchant la manière d'expliquer les écrits des Anciens, et m'a ouvert l'esprit pour faire attention à des choses où je n'avois pas assez pensé. Vous verrez dans le X Tome de la Bibliothèque, que je dois composer moi seul, si j'ai profité de vos

philosopher with a copy of the aforementioned volume, he reiterated this relationship of dependence and refined its meaning from the methodological point of view:

vous avez examine les principes les plus abstraits de la science que j'entreprends de traiter. Je suis obligé de supposer tout ce que vous avez dit dans vôtre troisième livre comme démontré: parce que mon dessein n'est pas tant de donner les principes Métaphysiques de la Critique, que de reduire ces Principes en pratique. C'est ce que j'ai tache de faire dans le petit Discours que vous verrez dans ce volume. Voilà mon dessein...¹¹

This was a perspicacious synthesis of the significance of Le Clerc's project.

At the foundation of this project, the author of *Ars critica* confronted the results attained by the most seasoned historians and philologists in the study of antiquity. It was a lucid and sharp confrontation that manifested itself not only in works written in Latin, filled with annotations and citations, but also in a series of observations published in French, in volumes of his *Bibliothèque*. The latter writings were written with a style that had the merit of untying and resolving extremely complicated theoretical and critical knots in simple terms. The pages dedicated to the evaluation of Locke's "rules for critique" contain erudition and philology on the one hand, and Biblical exegesis, demonstrative rationalism, and Lockean empiricism on the other, together forming a critical picture designed to meet the requirements of the traditionalists.

The "criticism" of Le Clerc, though decisive and radical, is not intended to be destructive. Demolishing arbitrary historical reconstructions, he elaborates a research method founded on trustworthy principles, and he liberates historical inquiry from all the dogmatic constructs and prejudices that impede a correct interpretation of the facts. On the one hand, he showed that radically Pyrrhonic developments drawn from subtle conceptual analyses of some Cartesian premises ended by rendering useless the efforts of scholars to give a foundation of certainty to historical knowledge. On the other hand, he pointed out a road less abstract, more empirical, founded on the tools of criticism and susceptible to reaching

idées, car il se trouve qu'il y a des livres qui me donnent occasion de m'étendre sur cette matière, ce que je fais volontiers, pars que je vois qu'elle est presque inconnue" (Le Clerc, *Epistolario*, p. 494, letter from Le Clerc to J. Locke, July 23, 1688).

¹¹ Le Clerc, *Epistolario*, p. 500.

results in some ways certain, although limited.

Abandoning the traditional scheme of knowledge did not mean for Le Clerc a rejection of the possibility of knowledge, but opening the way to a correct interpretation of the facts, resulting in a responsible, progressive process of approximation to the authentic reality of the language, far from the prejudices that distorted and transfigured the facts.¹² Le Clerc's criticism was a historical-philological criticism, in direct contact with concrete history of the language:

Les idées, qui sont attachées aux mots et aux phrases, changent si fort selon les occasions où on les emploie, et les manières de parler auxquelles on les joint, qu'il n'y a point de Dictionnaire qui puisse marquer toutes ces significations et tous les [changements] qui y arrivent... Outre cela il faut savoir les coutumes, et les opinions des nations, pour bien entendre leurs Langues, parce qu'il y a mille manières de parler qui en naissent, ou qui y font allusion... [but, at the same time] chaque Auteur a des manières de parler, qui ne sont pas simplement fondées sur les maximes générales de la Langue dont il se sert, mais sur ses opinions, sur ses coutumes, et qui coulent, pour ainsi dire, de sa manière d'étudier, et d'un certain génie qui le distingue de tous les autres...¹³

It is necessary, then, to distinguish carefully the facts in themselves from the manner in which they are reported, confronting the different historians in order to see which of the things they report is really true. Once the facts are ascertained, it is possible that judgments about particular aspects run the risk of moving too far from the truth. By means of an examination of the incontestable facts and a general knowledge of the interests and the claims of the diverse forces involved, it is possible to recognize at least the general historical movement in which things are taking place. The historian is not required to know everything, nor to affirm only that about which he or she is perfectly sure; but he or she is obligated not to report the false as if it were true and not to assert as sure that which is unsure.

For Le Clerc, the glory of "critique" is its complex of concrete procedures with a view to obtaining a trustworthy historical reconstruction, not by chance rooted in language, which, as far as it can provide privileged access to the historical world, glorifies respect for the truth of the facts in order to approach a rigorous analytical discipline far from sterile,

¹² See R. Voeltzel, "Jean Le Clerc et la critique biblique", G. Cantelli, *Vico e Bayle*, chap. 2, and "Mito e storia in Le Clerc, Tournemine e Fontenelle", and M. Sina, *Vico e Le Clerc: tra filosofia e filologia*, esp. pp. 19-33 and 49-67.

¹³ Le Clerc, BUH, vol. 10, p. 327; see also, for the following paragraph, pp. 346, 354-6. Compare to Locke's *Essay*, book III, chaps. x-xi.

authoritarian superstition.

2. *Sovereignty and state in Huber's De iure civitatis*

The analysis of the concept of *ius maiestatis* [the law of majesty or supreme authority] received significant deepening and development in the pages of Huber's book on *De iure civitatis*, on which he worked for many years. The work, published in 1672, was quickly reprinted and new editions followed until 1694, assuring the author great fame.¹⁴ The insertion into the second (1682) and third editions (1694) of a substantial treatment of *maiestas* was born from his direct political experience as a member of the Supreme Court of Frisia from 1679 to 1682. These new editions were also his opportunity to explore the implications and use the tools provided by the critical theories of Bayle and Le Clerc.

Huber's book was a reflection of delicate political contrasts developed in Dutch civil life after the wars against Spain, and a response to a new political situation. In 1672 the murder of the Grand Pensionary of Holland and leader of the party of the "Regents", Johann De Witt, had signaled the restoration of the Stadtholder and the end of the flourishing decades of republicanism (1653-1672). The Stadtholder, William III of Orange, was lieutenant and captain of the armed forces and head of the feudal regime, especially in Huber's Frisia. He was called back to power largely to defend the country against the menacing invasion of Louis XIV, which was finally settled with the Peace of Nijmegen in 1678.¹⁵

In his fundamental work, Huber gathered the clues offered by the constitutional arrangements of the ancient world in order to deepen the principles of legitimation of the supreme power, the absolute power in the state: *...ut summa potestas ipsa legibus a se latis, aliter quam observatione voluntaria, teneatur*. Absolute power does not mean arbitrary power, but full legal power of its holder to act freely within the ambit of positive legislative ordinances, in order that his behavior conforms to the *maiestas* of that *imperium* with which he is invested. It is the *summa potestas* that is *ipsa civitas*, the *voluntas imperantium, civitatis voluntas intelligitur: Nam cum obligatio, nisi in personam cadere nequeat, et civitates per eos qui*

¹⁴ U. Huber, *De iure civitatis* (1709) [hereafter cited as DIC].

¹⁵ On this period, see the classical works by J.L. Motley, P.J. Blok, and H. Pirenne, as well as works by J. Huizinga, P. Geyl, E.H. Kossmann, F. Venturi, C. Wilson, K.H.D. Haley, J.L. Price, J.I. Israel, and E.O.G. Haitzma Mulier.

*potestatem summam habent, personae fiant, manifestum est, ius doederis pangendi ad hanc classem, esse referendum.*¹⁶

In order to rule a state, the sovereign should pursue unconditionally the detailed requirements of the interest of the sovereignty, as attested not only by the authentic significance of the Roman *lex regia* (having become a general theory of public law after the decline of the Roman empire), but also the testimony of the Scriptures. In particular, the first book (section II, chapter VII) of Huber's book took its cues from Samuel I, 8, recognizing that it provided responses to precise questions about the definition of *iura maiestatis*. Born from the rejection of the direct reign of God, the request of the people of Israel to Samuel for a king represented a high point in the political force of the *princeps* [the prince, or first in the state], determining the balance of power and the arrangements of the *ius publicum*. A correct interpretation of the prophetic discourse meant, in fact, that the people could spontaneously transfer their *potestas* [power], renouncing all rights, and that it would be contradictory to alienate and at the same time to keep such an unlimited *auctoritas* [authority]. This last, attributed to the "right of the king" (Sam. I, 8:11), did not depend on the *voluntas* [will] of the people, but served to delineate the essence of sovereignty, which for Huber is the power to govern in a manner such that the actions of the sovereign cannot be changed by the will of any other person; it is *summa potestas* [the highest power], not subject to anyone; it is absolute power over the state.

Against the preconceived idea that the people in their unity are always superior to the king and therefore are not required to tolerate illegitimate actions, Huber stressed how the *principes* could be legally justified even when treating subjects unjustly. Achab, king of Samaria, was punished by God for being possessed unjustly of the vineyard of Naboth (Kings III, 21), but was still allowed under the constitution to commit an iniquitous act: *Quippe ius illud regium, quod diximus, non tollit impietatem diritatemque facientium iniurias, sed tantum obligat ad patientiam cives.*¹⁷ In the Biblical story the Frisian jurist found express provisions for the unity, the authority, and the inalienability of the sovereign power founded on the important concept of right as a power.

¹⁶ DIC, pp. 64, 329, 69, 93.

¹⁷ DIC, book I, section II, chap. vii, p. 59. On this chapter, revised between the first and second editions, see T. J. Veen, "De lege regia" and "Huber's Historical, Juridical and Political-Theoretical Reflections on the 'Lex Regia'".

For the notion of *virtus* [virtue] as traditionally used, Huber deliberately substituted the Aristotelian notion of power, preferring to return directly to passages in the *Nicomachean Ethics* rather than to the works of Boethius or Aquinas, which were central to medieval meditations on the theme of justice. Any right in a strict sense (*ius strictum*) includes a faculty of compulsion. The only perfected laws are those which are supported by coercion or force, which creates a consciousness of the obligation to conform to such sovereign laws. All laws that are commanded by the sovereign depend on the power that he has to make himself obeyed: *obligationis causa maxime est Superior Potestas*. The sovereign does not receive his power by delegation from the people, but he is necessarily an absolute sovereign with his own rights, indivisible from the unity of his functions, even in a democracy:

Forma eius est, foedus omnium cum omnibus, cuius summa in hoc consistit, ut quae consensus maioris partis statuunt, ea cunctos obligent. Idque in perpetuum, quia norunt, quo tempore ab imperio communi recesserint, neminem salutis suae fore certum, omniaque pessum itura, quod eos minime velle manifestum est.¹⁸

3. Huber and Althusius

The well-known theories of Johannes Althusius, the great defender of popular sovereignty, were certainly an immediate target of Huber's considerations. In the first book of *De iure civitatis* (section II, chap. III), Huber rejected the key concepts of Althusius's *Politica Methodice Digesta Atque Exemplis Sacris et Profanis Illustrata* (1603), avoiding, however, any violent expressions that could have threatened his credibility with those who esteemed that author. Departing from an observation about the *iura maiestatis* treated in the Preface to Althusius's work, he contested the principle that the people could not in any way alienate supreme *auctoritas*:

Et quia populus, imperio ad unum hominem vel concilium delato, desiit esse unum quid, desiit esse corpus, nec personam amplius repraesentat, sed nihil quam singuli, et dissoluta est multitudo. Unde nec ullum ius, quod est qualitas personae competens, populo post imperium translatum tribui possit.¹⁹

In his Preface, almost doubled in size in the second edition published

¹⁸ DIC, pp. 2, 41.

¹⁹ DIC, book I, section II, chap. III, p. 40; see also pp. 39, 108.

simultaneously in Arnhem and Groningen in 1610,²⁰ the German jurist had reformulated the guiding idea of his study, underlining the importance of the *iura maiestatis* for the creation and conservation of state power, of the "universal association". Althusius's system was organized according to the rigorous logical criteria of the Aristotelian, and especially Ramist, tradition. At the beginning, he excluded the possibility that the problem of *maiestas* could be considered only a juridical question, specifying that it is a political question that concerns facts and the origin of sovereignty, where the jurist is concerned only with the right from which it derives. The student of politics studies the facts while the jurist deduces the rights and their merits: *Politicus de facto, et capitibus maiestatis agit. De iure, quod ex his oritur, iurisconsultus diserit. Ille factum explicat, hic ius et meritum facti.*

Althusius vigorously attacked the much-cited theses of Bodin. He did not accept the definition of sovereignty that made it a distinctive characteristic of the state, recognizing instead the merits of assigning it to the concept of the *summa potestas*, with the attributes of unity, indivisibility, and inalienability. He criticized Bodin's radical absolutism, his tendency to identify the political power of the *princeps* with the supreme *auctoritas* of the state. He stressed that the rights of sovereignty do not belong exclusively to the prince (he is only an administrator, procurator, and governor) but also to the people in its totality, to the *populus Dei* of Calvinist memory, associated in a unique symbiotic body. These rights are so proper to the people that they cannot be renounced, alienated, or transferred even if the people so desire, just as one cannot transfer one's life to another.

Althusius held up the *Ordines Frisiae* [the Frisian estates] as proof of his theory, and the dedicatory page of his Preface expressed his admiration for them. Making war on the powerful king of Spain, the confederated provinces had put an end to the illegitimate exercise of the *iura maiestatis*, showing great fortitude, wisdom, faith, and constancy, becoming a model for all, even for *Indorum regiones, et regna plura, liberi armis vexata.*

In the historical picture so far delineated, the Calvinist Althusius did not hesitate to draw inspiration from the Old Testament, to the point of

²⁰ See the Latin and English versions of this Preface, following this chapter. Quotes from this Preface in the text below will not be footnoted. The 1610 Preface is not found in the English translation by F.S. Carney, *The Politics of Johannes Althusius*.

reflecting, in the Preface, on the value of the teachings of the Decalogue. They inspired the social life of humankind, providing the *spiritum vitalem*, prescribing the way and the rules for the existence of human beings. To ignore them would be to eliminate the basic principles of politics, rendering social life among men impossible: *Quid enim vita humana sine pietate primae, at sine iustitia secundae tabulae? Quid Respubl. sine communione at communicatione utilium et necessariorum ad vitam humanam? In quibus charitas per varia bona opera est efficax.*

Huber dealt his most direct attack on the theory of popular sovereignty in the *De iure civitatis* (lib. I, section II, chap. VI): *quo rationes contra summam potestatem examinatur*. Of these, sections 29-47 dealt with D. Althusii, et Uinii Bruti, e sacris, ubi de foedere Dei et Populi Hebraici agitur, petitis.²¹ The discussion concerned all of the content of chapter XIX of the *Politica*, entitled *De regni, sive universalis imperii, commissione*, based on interpretations of the biblical tradition. At the head of the state Althusius had placed the *Magistratus summus*, which, *secundum leges ad salutem et utilitatem universalis consociationis constitutus*, administers and carries out the laws of the universal association, based on the laws prescribed by God, right reason, and the collectivity. His relations with the people are regulated by a pact or *contractus mandati* which ceases upon the death of the *Magistratus*, mandatorily returning the *potestas* to the *Ordines* and to the members of the universal association, the *populo* which never dies:

Deinde apparet ex hoc contractu, ius summo magistratui a populo datum, esse minus populi iure et alienum, non ipsius proprium. Ideoque nec principis hac in re parem esse potestatem cum populo seu regno, sed longe minorem et inferiorem, quae ex regni arbitrio et praescriptio pendeat, et morte mandatarii magistratus instar mandati contractus finiatur, et ad dominum suum, mandantes scilicet status, et membra universalis consociationis, seu populum, qui nunquam moritur,... revertatur.²²

A fixture of Althusius's theory, common to other contractualist models of political theory, was the conviction that the supreme political authority could not be considered *legibus soluta* [above the law], since if he were above the laws and recognized his own *voluntas* as the unique source of law, that would be to identify the *summa potestas* with the will and the

²¹ DIC, pp. 53-4. See T. J. Veen, *Recht en nut*, esp. pp. 14, 19n., 75n., 107, 156-7, 219-21, 361.

²² Althusius, *Politica* (1625), pp. 326, 331.

personal utility of a tyrant.

For Althusius, the ethical limits which ought to guide a *princeps* in his governing were not enough to suitably circumscribe his actions. True and proper juridical limits, capable of guaranteeing respect for the conditions of the pact, were required. In the work of the German jurist these conclusions found significant justification in the testimony of the *Corpus iuris*, and above all, in the Scriptures. There are thousands of citations to the latter in the *Politica*, which modern critics have not neglected to examine, pointing out that the weighting given them is not always philologically justified.

The heart of Althusius's position was that proper attention to the theses of Calvin and in general to the Protestant religion (according to which Christ is the only true interpreter of the Mosaic laws, from which we know we have been liberated not because of the arrival of a new law but only because of the intervention of grace) could favor a renewed approach to Scriptures and increase the importance of interpreting them. For Althusius the Bible (read according to the important commentaries of Francis Junius, Peter Martyr, and John Piscator) was fundamentally a history book, useful for the many examples it reveals. The conflict initiated by Grotius and Cocceius between consideration of the Bible as a theological authority and consideration of the text as a history of the humanistic type is resolved by putting the theological model of the "divine economy" completely at the service of political reflection.

Althusius was hard and inflexible in the face of any attempt at allegorical exposition of the Bible. In his interpretation of the Bible, the faithful student of Calvin renounced all help of appeal to possible narrative fictions in order to place all attention on the *sensus historicus* of the sacred text. Thus, to illustrate the prerogatives and functions of the *ius maiestatis*, Althusius returned to the Biblical document, to the doctrinal tradition of the sovereignty of God expressed in the (political) messages of the prophets. He did not hesitate to examine their words calling for conversion, even if they made up stories in order to tailor their teachings to the particular historical situation. And his attention concentrated, once again, on the history of Samuel and the people of Israel.

According to the German jurist, the political analyst should understand that historical-grammatical exegesis permits one to grasp more profound dimensions and aspects of Biblical history. Recovering the more authentic aspects of the Biblical texts meant, first of all, not the accumulation of trivialities, nor false distinctions among the political, religious, and historical meanings of the ancient testimony, but recognition of the real

meaning for human life of that which God has wanted to communicate, making himself adequate to the capacity and the possibilities of human understanding, in Scripture as in nature, in his words as in his works. Accordingly, the Bible did not appear merely as one of many original testimonies, but as the most ancient testimony, able to confer unity, form, and content on the development of human history. Insofar as human life was the image of God, the Bible reflected the political and religious meaning of all of reality.

In chapter XIX of the *Politica*, in polemic with Barclay, Althusius defended the absoluteness of the sovereign power of the people on the basis of two Biblical texts (Deuteronomy 17:14 and Samuel I, 8:18), reasserting his thesis of the origin of the *summa potestas* and its connection to the *populus*. Commenting on two other important places (Kings I, 11:37-8 and Samuel II, 7:12-14), he reaffirmed that the king is instituted by God and the people. His subjects promise obedience to him on the condition that he administers the state in a pious and just manner, according to the Decalogue. The terms of capitulation, according to which the king rules, attest to the laws or the conditions agreed upon for the regime. If he fails to live up to those conditions, the subjects are released from their obligation of obedience.²³

4. Grotius, Hobbes, and Spinoza

Huber's importance rests on his reworking of the political theories of Bodin and Althusius, as we have already seen, and of Grotius, Hobbes, and Spinoza. Drawing in complex and subtle ways on the critical theories of Bayle, Le Clerc, and other Huguenot and francophone writers, he made contributions of his own to the development of modern natural law theory. Neither a precursor of modern "constitutional natural law" (as Gierke considered him),²⁴ nor a defender of absolutism *tout court*, the author of *De iure civitatis* labored to construct a doctrine of authority in which a *humanitas* educated in the life of the state could be made to converge with a revised version of the always-present theories of Bodin, Althusius,

²³ Althusius, *Politica*, p. 362.

²⁴ O. von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien*.

Grotius, Hobbes, and Spinoza.²⁵

The doctrinal premises of Huber's reflections found a first reliable foundation in the classic pages of Grotius's *De iure belli ac pacis*, a work which did not fail to incite strong criticism for the consequences of its application of the definition of *summa potestas* to the problem of the legal origin of the imperial dignity of the Holy Roman Empire. This theme was rich in implications for contemporary political experience, especially with reference to the nemesis of the Huguenots, Louis XIV, because it dealt directly with the question of the possible legitimacy of universal monarchy, founded on divine law and guaranteed by the approval of the Pope as supreme and impartial judge. In the third edition of *De iure civitatis* (1694), Huber confronted the question directly, analyzing a section of *De iure belli ac pacis* (II, 9, XI) and, in particular, a definition of *auctoritas*:

notabilem, magis studio in pontificem Romanum, quod nisi plurimum fallor, eius iudicio praestrinxit; quam soliditate collectionis iuridicae vel historicae; qui tamen propter auctoritatem viri et momentum negotii, silentio neutiquam transmittendus videbatur.²⁶

Huber accepted Grotius's thesis, according to which the Holy Roman Empire acquired the imperial title from a decision of the Roman people (in the second half of the 10th century, in Huber's judgment), who accepted the German emperor as their emperor. But he criticized the illegitimate conclusion that the Pope, as the "first citizen" of Rome, had proclaimed Charlemagne emperor, retaining always the right to approve or disapprove the imperial selection of the German electors in the name of the Roman people:

Quod si populus Romanus, aut qui potestatem eius postea nactus est, pontifex, eam facultatem semper revocare potuissent, aut singulis imperatoribus, si displicerent, obsequium negare, fuisset illa quidem absurda et elusoria concessio; praeter quod ipsius Grotii verbis contraria, quae non de singulis, sed de universo iure eligendi concepta sunt; placuisse, uti, quem Germani regem sumsissent, is etiam suus imperator esset: quod ipsum eventus efficaciter demonstravit; siquidem consensus gentium haud aliunde, quam ab hoc instituto, fastigium imperiale Caesareum Germanis proprium fecit".²⁷

In Huber's judgment, the history of the German Empire belied Grotius's

²⁵ See E.H. Kossmann, *Politieke theorie in het zeventiende-eeuwse Nederland*, pp. 82-103.

²⁶ DIC, p. 346.

²⁷ DIC, p. 343.

conclusion (even by the mere fact of not conserving the text of the official act conferring the imperial dignity). Rather than the choice of the emperor being based on a convention between the emperor, the German people, and the Roman people, the Roman people had transferred irrevocably and without reservation the right to choose the emperor, renouncing any reservation to themselves or to the Pope of the power to revoke that law at its own discretion:

Si quid unquam eiusmodi, Caesarum alicui impositum, fuerit, id, ut alia nonnulla quibusdam ex iis, indigna maiestate Augusta, leguntur extorta, transitorium fuit, neque in facultatem convaluit, cum semper a Germanis ista Pontificum arrogantia, de iure et de facto refutata fuerit".²⁸

The king chosen by the German electors became Roman Emperor *ipso iure* without special approval of the Roman people or the Pope. Therefore, Huber observed in conclusion, the Papal coronation of the Emperor was destined to become otiose, finally abolished by Charles V. Even the Pope should submit. The authority of the state, which by means of the law gives unity to the culture, is the only element capable of rationalizing the *humanitas* liberated from its natural origins and of succeeding in the difficult search for security.

Huber's break with Grotius revealed a sophisticated historiographical consciousness which helped him to achieve a more sophisticated theoretical consciousness in general. He was incapable of accepting without reserve the version of *maiestas* that the jurist of Delft had given, distinguishing two concepts of sovereignty (*subiectum commune* and *proprium*), treating both as essential and resulting from the rival rights of the people and of the prince.²⁹ He strove to define a new legal doctrine of political relations, to reformulate the concepts of sovereignty and of law far from philosophical, abstract speculation. This was a project which reopened a debate that had a long tradition concluding with Bodin at the end of the sixteenth century on the theoretical plane, expressing a new sense of the state. Huber found an immediate model, even if he was often in disagreement with it, in the position of Hobbes.

In his polemics with the theorists of popular sovereignty, Huber always looked to the political-legal situation of the Netherlands, which constituted,

²⁸ DIC, p. 344.

²⁹ Grotius, *De iure belli ac pacis* (1680), pp. 59-60. See Gierke, *Johannes Althusius*, pp. 139ff and F. Todescan, *Itinerari critici dell'esperienza giuridica*, pp. 90-100.

in his judgment, an aristocratic republic, as significantly underlined in the pages of his work on *De iure popularis, optimatum, et regalis imperii, sine vi, et a sui juris populo, constituti* (1689). Here there were numerous comparisons between Venice and Florence and the *Batavorum Respublica* [the Batavian Republic, the Latin term for the Netherlands]: *ubi summa potestas est penes Ordines, hoc est, Equites et Civitatem Rectores, verissima Aristocracia*.³⁰ In a city in which there is no unity of any sort, neither in Church nor in religion, the will to find something in common cannot be simply a search for lost unity, but must be an effort to realize a new community, through respect for the rights of every man.

For Huber, as for Althusius, the pure force of the state, not sufficiently limited, risks a failure to guarantee the fundamental rights of the individual. The flaw in Hobbes's theory, on this point, is blamed on the use of the Cartesian method in politics. In the third chapter of the first section of book I of *De iure civitatis*, where Hobbes's theory is examined, the rigorously deductive procedure of that doctrine is attacked, since the theorized conjunction of politics and law comes into conflict with the idea, innate in men, of justice and of a society based on contract, the free act of the human will.³¹ Against Althusius, Huber had rejected the principle of the inalienability of the *maiestas populi*; with the German jurist, against Hobbes, he underlined the fundamental conditions which preceded the constitution of the state: *At Hobbes ex eodem principio coligit, cives, qui imperium simpliciter transtulerunt tantum iuris in imperantes transtulisse, quantum potuerunt, ut nihil exemerint...* The subjects are not able to renounce in favor of the sovereign all of their rights without reserve, since they constitute in common a *unum quid*. After the transfer of the *summa potestas* the people conserve a particular *ius personae*, resting *universitatem iuris capacem, etiam quando sub imperio est*.³² This affirmation, loaded with Althusian echoes utilized in a new political design, did not contradict Huber's claim (with respect to the interpretation of the *lex regia* and the Biblical story of Samuel I, 8) that the *translatio imperii* be absolute and without reserve. Huber, in fact, did not reject the Grotian axiom, *iuris naturae est stare pactis*. But he changed its meaning, not basing it on formal and irrevocable expressions of consent (Hobbes had said, *pacta sunt*

³⁰ U. Huber, *Opera minora et rariora* (1746), vol. I, p. 30.

³¹ DIC, pp. 10-19, 32ff.

³² DIC, pp. 40, 48. See Veen, *Recht en nut*, pp. 160-201 and S. Mazzarino, "Vico, Holland and Modern Conceptions of History".

servanda), since the *voluntas* which creates the determinate content of the law expresses only the hypothetical nature of the contract. The categorical nature of the pact consists, instead, in the absoluteness of the *imperium naturale*, which is a command of reason impressed on human beings by nature and by God, irresistibly ordering them to carry out by suitable means their supreme purpose, their own conservation. Valid *iure civili*, the contract ultimately depends on the *ius naturale* under which it was stipulated.³³

Returning to the problems which had earlier compelled Bodin to stress the original absolute *potestas* of the *princeps*, Huber revealed significant vacillations and concessions concerning due respect for Bodin's *justes conventions*.³⁴ He warns that limits of legal inviolability in the light of natural law can be imposed on the *maiestas* through the "tacit" clauses of the fundamental contract. These last impose on the sovereign a *naturalis obligatio* in addition to a *potestas coactiva* with the purpose of safeguarding, even in cases of wholly unconditional transmission of state power, the intangible individual rights of personality, of property, of liberty of thought and obedience to divine commands. These are rights which every man has by natural title: *Ad tacite intellectas leges praeterea, quae supra tacite in omni imperio excepta intelliguntur, referemus sequentia...*³⁵

The express *leges fundamentales* that signal the limits of the sovereign right have equal obligatory force. They are not an emanation of the *summa potestas*, but the legal presupposition of its existence. Thus, it must be concluded that the relations between the subjects and the sovereign, although formally determined by the clauses of the contract *iure civile*, have not ceased to be valid *iure naturae*:

Expressae leges fundamentales ut sciamus quae sint, praemitteremus; fundamenti verbum id significare, quo tota structura nititur, et quod primo omnium ponitur, ut cuivis suoapte planum est. Leges igitur fundamentales erunt proprie, constitutiones, quae in fundando imperio, ante plenam eius translationem stabiliuntur, ut iuxta eas respublica exerceatur.³⁶

The contract between the king and the people, for Huber and for Althusius, is bindingly conditioned on the validity of the *pactum*, that is, of the life

³³ DIC, pp. 7, 8, 88. See N. Bobbio, "Il giusnaturalismo".

³⁴ See G. Rebuffa, "Jean Bodin e il 'Princeps legibus solutus'", pp. 119-21.

³⁵ DIC, p. 85.

³⁶ DIC, p. 86.

of the state. Therefore contractual clauses that seem to violate the pact need not be executed, since any such clauses depend on the possibility of the existence of the state. Thus Huber elaborated the concept of a tacit constitution, deduced from the essence of any contract. It was valid not only in an aristocracy and in a monarchy, but also in a pure democracy, giving the right to a *facultas resistendi* to the minority in cases of violation of the constitution by the majority.³⁷

The right of resistance rests on the principle of the possibility of external compulsion, which should, nevertheless, coexist with the liberty of each, according to stable laws. People with liberties limited only by the existence of other liberties have an equal right to repel acts that threaten their liberty. To my legal obligation not to interfere with another's liberty there must be some right and force that can restrain me; this is a condition necessary for the conservation of liberty itself. Force is, thus, necessary to justice, since its role is to repel the unjust force of another which impedes due liberty. In Huber's analysis, this implies assuring stable laws of participation in the exercise of *potestas* to individuals and to all minority associations that are not sovereign. The sovereign that goes beyond these stable limits renders itself absolutely null, violates natural law, becomes a tyrant and enemy of the people, lies about the powers derived from its *imperium*, and is subject to punishment.³⁸

On the other hand, the legal conditions of rebellion against a tyrant cannot be found in the system of positive laws, so it owes absolute obedience to the sovereign. The problem of the limits to the *summa potestas*, the question of resistance of subjects, is not resolved, thus, by positive law, but by natural law, which is, definitively, the right of war. It is not possible *iure civili* to save the state from tyranny from inside the establishment, so to speak, but it is possible to save it by force through the *iure belli*. That is, the norms of natural law that the state should observe cannot be vindicated by civil law, but only by the law of war. Thus, Huber, inspired by the Grotian distinction between the legitimacy of war according to natural law and its legitimacy according to the law of the will of the people, observed that:

Superest ad explicationem belli solennis, ut ritum, qui iure gentium in eo requiritur, paucis explicemus. Est autem ille ritus, indictio, sive denunciatio, quam propterea placuit recipi, ut constaret, non privato ausu, sed voluntate

³⁷ DIC, p. 45.

³⁸ DIC, pp. 314-325, 364-366.

utriusque populi aut imperantium geri bellum. Denique, ut si populus eius vel imperantes non sint immediate in culpa, deliberant, utrum velint suam facere litem, an satisfacere laesis.³⁹

A significant conclusion of this discourse was that the cause of war should be imputed to the existence of monarchical states in which discord could not be submitted to the judgment of a superior authority: *Rixae autem summarum potestatum facile in bellum, quia cessant inter illas iudicia, erumpunt...*⁴⁰

The conservation of the state is, according to Huber, a Spinozan necessary condition for its absoluteness. From such a perspective, the *virtus imperii*, that is, the security of the state, is united with the interests of the subjects, the *finis reipublicae*, on the basis of natural law. The sovereign does not have the right to engage in actions contrary to those interests, since, for Huber as for Spinoza, neither does he have the power. Only in a system of law as power does the imperative *pacta sunt servanda*, of Hobbesian memory, lose the voluntaristic categoricity which impeded the Grotian natural law from resolving the problem of resistance to a tyrant. And this would not require admitting the autonomous right of resistance of subjects that Althusius had claimed was in the will of the people, expressed in a contract about the origins of the state and the justification of rebellion. As in Spinoza, so in Huber the law in respect to power did not counsel resignation to "reason of state" to subjects, but also they should not exaggerate its impotence to the point of living *sui iuris*, since finally each individual's power is inferior to that of all the *populus*.⁴¹

The irreconcilable positions of Althusius and Huber developed from differing interpretations of Biblical history and of the testimony of Samuel, resulting in diverging readings of the *summa potestas*. To the extent that Huber owed his more critical interpretation to the Huguenots in the Netherlands, this can be considered a significant influence of the Huguenots on political and legal theory. Correspondingly, to the extent that Huguenot political resistance theorists from Jurieu to Rousset de Missy drew on the Latin and Dutch writers, this can be considered an important development in the natural law tradition.

³⁹ DIC, pp. 734-5.

⁴⁰ DIC, p. 730 and pp. 739-741.

⁴¹ On the commonalities and differences between Spinoza and Huber, see Kossmann, *Politieke Theorien*, pp. 86, 96, 101-103, and T. J. Veen, "De beste staat: een quaestio politica bij Huber en Spinoza" and *Recht en nut*, pp. 202-214.

In any event, Althusius and Huber represented an important change in the theoretical-doctrinal horizon, after which no space could be found for the traditional literature on the *arcana imperii*. This last, codified at the beginning of the 17th century in Germany by Besold and by Clapmarius in *De arcanis rerumpublicarum* (1605, but note also the Amsterdam edition of 1644) with the purpose of indicating methods and instruments for the conquest and conservation of personal forms of power, disappeared from the scene, replaced by the much clearer rationality of natural law organized *more geometrico*. To the ancient *ratio politica de Statu* Huber opposed critical readings of Bodin, Althusius, Grotius, Hobbes, and Spinoza, grafting a just new reason of state, an *aequitas civilis*, on the old trunk of natural equity. For Huber, the important thing was not to investigate the policy of the sovereign, but the rights and the powers of the state. Huber explored how its activities should be regulated, but not in order to weaken or harm it. The lessons he apparently drew from Huguenot and francophone critical philology helped Huber to reconcile the concept of *summa potestas* with the claims of a fixed and certain normative order, preparing the consciousness of modern man for the realities of the modern state.

Appendix One to Chapter Seven

Latin version of Preface to 1610 edition of Johannes Althusius, *Politica Methodice Digesta*.

[Title page]

IOHANNIS ALTHUSII
V. J. D.
POLITICA
Methodice digesta atq; exemplis
sacris & profanis illustrat;

Cui in adjuncta est,

ORATIO PANEGYRICA
De necessitate & antiquitate scholarum

GRONINGÆ,
Excudebat IOHANNES RADÆUS
1610

[Preface]

AD
ILLUSTRES FRISIÆ
inter Flevum & Lavicam
ORDINES
Dominos suos plurimum colendos.

Cum intelligerem illustres Ordines, priorem meam sciagraphiam politicam multis probari, et exemplaribus priorib. distractis, aliam editionem parari, opera pretium me facturum esse existimavi, si eandem recognoscerem, & ad incudem revocarem. Quod cum a me succisivis horis, quantum inter occupationes Reip. licuit, factum esset, animadverti, secundas meas meditationes opus politicum novum, a priori sciagraphia forma, methodo,

& rerum multitudine diversum peperisse. Quo in opere, ad suas sedes omnibus mere theologicis, juridicis, et philosophicis re- [/]¹ jectis, selegi illa tantum, quæ huic scientiæ & disciplinæ essentialia, & homogenea mihi esse videbantur. Atque inter alia etiam præcepta Decalogi, & jura majestatis, de quibus apud alios politicos altum silentium, suis in locis adpersi. Decalogi præcepta, quatenus nimirum illa consociationi & vitæ symbioticæ, quam tradimus, spiritum vitalem infundunt, facem præferunt & vitæ sociali huic, quam quærimus, viam, regulam, cynosuram atque sepem societati humanæ constituunt & præscribunt. Hæc si quis politicæ ademerit, ipsammet tollit, imo omnem symbiosin atque socialem vitam inter homines tollit. Quid enim vita humana sine pietate primæ, & sine justitia secundæ tabulæ? Quid Respubl. sine communione et communicatione utilium & necessariorum ad vitam humanam? In quibus charitas per varia bona opera est efficax. Majestatis capita qui politicæ adimit, universalem consociationem tollet. Quod enim hæc aliud habet vinculum, quàm hoc [/] unicum? Ex hisce illa constituitur & hisce conservatur, quibus sublatis, corpus illud ex symbioticis varijs consociationibus constans, dissolvitur, et id quod erat, esse definit. Nam quid rector & princeps, administrator & gubernator Reip. sine potestate necessaria, usu, & exercitio majestatis? Nec tamen hoc modo quæ theologiæ, vel jurisprudentiæ sunt propria, adimo. Politicus de facto, et capitibus majestatis agit. De jure, quod ex his oritur, jurisconsultus differit. Ille factum explicat, hic jus & meritum facti. Nam sicut jurisconsultus informationem, instructionem & notitiam de rebus ex artibus illis sumit, quarum res illæ sunt propriæ, jus vero, vel meritum facti ex propria scientia: sic etiam quarundam rerum notitiam ex politica sumere eurdem, mirum non est. Quatenus ergo res & materia majestatis ac Decalogi, est theologica, ethica, vel juridica, atque formæ et fini artium illarum convenit, eatenus artes illæ in suum usum ex Decalogo, & maje- [/] statis jure quæ delibant, sibi propria vindicant. Atque eatenus et ego materiam Decalogi et majestatis, tanquam a politica alienam, et heterogeneam, non attingo. Propriam vero politicæ vindico, quatenus spiritu vitæ symbioticæ inspirat, eam informat, & conservat, quo modo illi est essentialis et homogenea, et in aliis artibus heterogenea. Sic itaque re ipsa sum expertus, quod politicus ibi desinit, ubi incipit jurisconsultus, sicut ubi desinit ethicus, ibi incipit theologus, & ubi physicus, ibi medicus. In praxi vero omnes artes conjunctas, nemo negat.

¹ There are no page numbers in the text. A slash in brackets indicates a page change.

Exempla politicæ ex politiis laudatis et probatis, ex historiis vitæ humanæ, rebusque gestis sumpsi merito, in ea arte, quæ vitæ illius politicæ probæ dux et symbiosis omnis informatrix atque imago vitæ socialis bonæ esse debet. Sacrarum literarum exemplis frequentius utor, quod illa, vel Deum autorem, vel pios viros habent, & quod nullam ab initio mundi politiam sapientius et perfectius Judæorum politia, constitutam existimem. A qua quo- [/] ties in similibus factis et circumstantiis discedimus, errare nos arbitror. Jura præterea majestatis, quæ vocant, non summo magistratui, sed Reip. vel consociationi universali attribui. Plerique jurisconsulti & politici hæc soli principi & summo magistratui propria adscribunt, adeo ut, si illa tribuantur et communicentur populo, vel Reip. eo ipso pereant & amplius non sint. Contrarium ego cum paucis aliis statuo, adeo nimirum hæc corpori symbiotico consociationis universalis propria esse, ut huic spiritum, animam, et cor attribuant, quibus sublatis, corpus illud, quod dixi, etiam pereat. Administratorem, procuratorem, gubernatorem jurium majestatis, principem agnosco. Proprietarium vero et usufructuarium majestatis, nullum alium, quam populum universum, in corpus unum symbioticum ex pluribus minoribus consociationibus consociatum. Quæ majestatis jura, adeo meo judicio, illi consociationi propria sunt, ut etiam si illa se his velit abdicare, eaque in alium transferre, et [/] alienare, nequaquam tamen id possit, non minus quam vitam suam, qua quis fruitur, alij communicare potest. Nam hæc jura majestatis, consociationem universalem constituent, et conservant. Atque ut a populo, seu membris Reip. vel regni inceperunt, sic non nisi in illis consistere possunt, et ubi illis conservari. Horum quoque administratio, quæ mortali homini unico, nimirum principi, vel summo magistratui a populo est concessa, illo mortuo, vel exauthorato, ad populum, qui ob generationes, perpetuo sibi succedentes, immortalis dicitur, revertitur, & alii ab eodem demandatur, atque ita per mille, vel plures annos quo usque universitas durat, apud eandem manet. De qua re latè ago, c.9.c.18.c.19.c.24.c.38. Ad quod ipsum demonstrandum etiam vestrum et reliquarum confœderatarum provinciarum exemplum laudabile producere possum. Neque enim, bello contra Hispaniæ regem potentissimum suscepto, judicastis majestatis jura ita illi inseparabiliter cohærere, ut extra illum non sint, [/] sed potius eorum usum, et exercitium iis abutenti adimendo, & quod vestrum erat repetendo, jura hæc ad consociatam multitudinem, et populum singularum provinciarum pertinere declarastis. Quod tanta animi fortitudine, sapientia, fide, et constantia factum, ut quos populos huic vestro exemplo conferam, non inveniam. Atque hoc me inter alias causas movit, ut vobis hasce meas politicas meditationes inscriberem. Movit me etiam, quod in his sæpissime pro

illustrandis præceptis politicis, exempla quoque a vobis, ab urbibus, constitutionibus, moribus, rebus gestis vestris, & confœderatarum aliarum provinciarum Belgicarum de sumpta petam. Movit me quoque ad hoc ipsum vestra propensio, studium, & affectio, quam cum cæteris confœderatis vestris, reipsa sæpe declarastis erga Remp. illam, cui aliquot annos inservio, imo etiam erga me, quando ante aliquot annos me ad illustris & percelebris vestræ Academiæ Franequcranæ professionem juridicam ho- [/] nestis sane conditionibus vocare dignati estis. Quamobrem æquum esse judicavi, ut hac inscriptione & *prosphonesi* hæc beneficia vestra agnoscerem, & publice prædicarem, atque virtutes vestras, quibus Remp. vestram per Dei gratiam a tyrannide et interitu, non solum vindicastis, et conservastis, sed etiam illustriorem reddidistis, ego aliis imitandas publicè commendarem. Nam harum a vobis sociisque vestris præclare gestarum rerum tam exuberans est fructus, ut is quoque in vicinas regiones, imo in totam Germaniam, et Galliam redundet, quem etiam Indorum regiones, et regna plura, Iberi armis vexata, a vobis vero, & cæteris vobiscum junctis provinciis in protectionem suscepta & defensa, senserunt. De quibus omnibus, cum annales & historiæ editæ, cum nominis vestri æterna gloria loquantur, malo tacere, quam minimam eorum partem dicere. Det Deus Opt. Maxim. ut in hac vita politica & symbiosi viventes, illi grata, & homi- [/] nibus utilia, & salutaria præstemus, atque ita finem, qui huic disciplinæ est præpositus, assequamur. Quo voto hoc alloquium claudio. Embdæ 21. Februarii Anni 1610.

Illustrem vestram magnificentiam reverenter ac
submisse colens & observans

Iohannes Althusius D.

Appendix Two to Chapter Seven

English version¹ of Preface to 1610 edition of Johannes Althusius, *Politica Methodice Digesta*.

[Title page]

JOHANNES ALTHUSIUS
V.J.D
POLITICS

Methodically arranged, and also illustrated
with sacred and secular examples

to which is appended

A PANEGYRIC ORATION
on the antiquity and necessity of scholars

GRONINGEN
produced by JOHANNES RADAЕUS
1610

[Preface]

TO THE ILLUSTRIOUS CAPTAINS OF FRISIA
between the Zuyder Zee and the North Sea
Lords most esteemed by their people

Since I understand, illustrious Captains, that the first edition of my writing on politics has been examined by many people, and copies of the first edition are sold out, I have prepared another edition. I believe this

¹ Translated by Cary J. Nederman, Department of Political Science, University of Arizona, Tucson, Arizona. Material in brackets supplied by the translator.

enterprise to be worthwhile, insofar as I have reviewed the first edition and called it back to the forge. This has been done during those few leisure hours which I have been allowed amidst the business of the Republic. Notice how my second thoughts have weighed in as a new work, different from the previous writing in form, method, and many other matters. In this work, directing all matters merely theological, juridical, and philosophical back to their proper locations, I have chosen only those things which have seemed to me to be essential to and uniform with this science and discipline. And so I have still added, among other things, but in their proper place, the principles of the Decalogue and the rights of sovereignty, about which there is profound silence among other men of politics.² The principles of the Decalogue [are included] inasmuch as they naturally infuse a living spirit into the association and symbiotic life that we propound, they uphold the social life and deeds for which we aim, and they constitute and prescribe a way, rule, guiding light, and limit of human society. If one were to remove them from politics, one would ruin political life; indeed, one would ruin all symbiosis and social life among human beings. For what is human life without the piety of the first table and without the justice of the second? What is a Republic without the communion and communication of what is useful and necessary to human life? In these [principles of the Decalogue], love is empowered by means of various good works. He who removes the source of sovereignty ruins the universal association. For what other bonds does it have than this alone? [The universal association] is so constituted and conserved by this [sovereignty] that, should the latter be undermined, that body - consisting in various symbiotic associations - would be dissolved and what is would be terminated. So what is the rector and the ruler, the administrator and the governor, of the Republic without the necessary power, use, and exercise of sovereignty? Yet in no way do I impinge upon the subject matter belonging to either theology or jurisprudence. The man of politics discusses the fact and the sources of sovereignty. The lawyer differs, addressing the right that arises from sovereignty. The one sets forth matters of fact, the other the right and value of the facts. For inasmuch as the lawyer obtains information, instruction, and knowledge about matters from those arts which are properly concerned with such matters, and about the right and

² The Latin is *politicos*, and the meaning includes political actors, thinkers, and writers. Translation as "politicians" or as "political scientists" would be misleading, so it has been translated throughout as "men of politics".

value of fact from his own science, it is not strange for him to obtain knowledge of some matters from the field of politics. Therefore, since the subject matter and material of sovereignty and the Decalogue are theological, ethical, or juridical, and are appropriate to the forms and ends of those arts, to that extent do those arts claim as their own that which they determine as useful from the Decalogue and the right of sovereignty. And also in like fashion I do not touch upon the material of both the Decalogue and sovereignty, inasmuch as it is extraneous and dissimilar to politics. I claim this material to be proper to politics only to the extent that it inspires, informs, and preserves a living symbiotic spirit, in which case it is essential to and uniform with politics and dissimilar to other arts. And so I have proven it to be the case that where the man of politics stops, there the lawyer begins, just as where the moralist stops, there the theologian begins, and where the physicist stops, there the physician begins. No one denies that in practice, however, all arts are connected. I have chosen examples appropriate for politics from praiseworthy and excellent polities, from histories of human life, and from noble deeds, for the sake of that art which ought to be the guide to an excellent life and the designer of all symbiosis and also the image of the good social life. I have most frequently used examples from sacred literature, because either God or pious men have written it, and because I judge it to be established that no polity from the beginning of the world was wiser and more perfect than the polity of the Jews. I believe us to be in error when, under similar conditions and circumstances, we depart from it. Moreover, I have attributed the rights of sovereignty, as they are called, not to the supreme magistrate, but to the Republic or universal association. Most lawyers and men of politics ascribe such rights as belonging to the ruler and supreme magistrate to the very degree that, if they were to be assigned and communicated to the people or Republic, they are in and of themselves destroyed and are no more. Along with a few others, I hold the contrary position, namely, that sovereign rights belong to the symbiotic body of the universal association to such an extent that they provide its spirit, soul, and heart, which when removed from the body would destroy it, as I have said. I acknowledge the ruler to be the administrator, superintendent, and governor of the rights of sovereignty. But the proprietorship and usufruct of sovereignty pertains to none other than the whole people, associated in a single symbiotic body composed of many smaller associations. In my judgment, the rights of sovereignty so belong to this association that even if its members resolved to abdicate them, alienate them, and transfer them to another party, they still could in no way do so, any more than a person

could convey his own life, of which he enjoys the use, to someone else. For these rights of sovereignty constitute and preserve the universal association. And as they begin with the people, or the members of the Republic or kingdom, so they cannot be constituted except in them nor preserved except by them. Moreover, the administration of them, which is conceded by the people to a single mortal human being, namely, the ruler or supreme magistrate, reverts to the people (which is called immortal since its generations are perpetuated one after the other) when he dies or is dismissed, and it is entrusted by them to someone else, and so it remains among them for the thousand or more years that the community itself endures. I discuss this matter extensively in Chapters 9, 18, 19, 24, and 38. In order to demonstrate this, I can adduce the laudable example of your own provinces and the others confederated with you. Nor, during the war undertaken against the extremely powerful king of Spain, did you judge the rights of sovereignty to cohere so inseparably in him that they did not exist apart from him, but rather, denying the use and exercise of them to those who abuse them and restoring what was your own, you proclaimed these rights to pertain to the association of the multitude and the people of the individual provinces. You did this with such strength of spirit, such wisdom, such faithfulness, and such resoluteness that I have not encountered peoples to compare with this example of yours. And so this among other causes moves me to dedicate my political reflections to you. It even very frequently moves me, when illustrating principles of politics, to turn to you for my choice of examples from among your cities, constitutions, customs, and noble deeds, and from among the other confederated Belgian provinces. I am also moved to this by the inclination, kindness, and affection that you, along with your various confederates, have often shown towards that Republic which I served for some years, indeed, that you showed even towards me when some years before you considered me worthy to be called, under extremely favorable conditions, to teach law at your illustrious and much acclaimed Franeker Academy. For that reason, I judge it to be fair that I acknowledge your support in this dedication and address, and that I publicly praise your virtues, through which (by the grace of God) you have not only protected and preserved your Republic from tyranny and destruction, but have also bestowed even more fame upon it, which I publicly commend for imitation by others. For the fruits of noble deeds by you and your allies are so obviously overabundant that they have poured over into the whole of Germany and France; indeed they have been felt even in the regions of the Indies and the many kingdoms plagued by Spanish arms that have been supported and protected by you

and the other provinces joined with you. Since the available annals and histories speak with the eternal glory of your name, I prefer to be silent about these matters rather than to speak about a small part of them. May the Great and Good God grant His grace to this political life and symbiotic way of living that we might preserve human utility and well-being, and so achieve that end which is the goal of this discipline. With this prayer I finish this address. Emden.³ 21 February 1610.

To your illustrious magnificence
with reverent and humble worship and esteem

Johannes Althusius D.

³ City in Germany, which Althusius served as Syndic [a leadership role comparable to mayor] from 1604 until his death in 1638.

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I dedicate this book to Teresa Toscano, *sine qua non*.

- John Christian Laursen

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